

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, April 14, 1949

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

Prayer by the Reverend Phillip Lush of Newport.

The journal of the previous session was read and approved.

**Papers from the Senate
Senate Reports of Committees
Ought Not to Pass**

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Resolve Authorizing the Commissioner of Inland Fisheries and Game to Give Pheasants and Rabbits to Consolidated Sportsman's Club (S. P. 575) (L. D. 1238)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Refer to the Next Legislature

Report of the Committee on Public Utilities on Bill "An Act Relating to the Caribou Utilities District" (S. P. 144) (L. D. 201) reporting that it ought to be referred to the 95th Legislature.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Ways and Bridges reporting "Ought to pass" on Resolve in Favor of the Town of Sangerville (S. P. 242)

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

In the House, Report was read and accepted in concurrence, the Resolve read once and tomorrow assigned.

**Ought to Pass with Committee
Amendment**

Report of the Committee on Labor on Bill "An Act to Provide for Equal Pay for Equal Work" (S. P.

115) (L. D. 138) reporting same in a New Draft (S. P. 656) (L. D. 1466) under same title and that it "Ought to pass"

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. 656, L. D. 1466, Bill "An Act to Provide for Equal Pay for Equal Work."

Amend said Bill by striking out all of the last paragraph thereof.

The SPEAKER: Is it the pleasure of the House to adopt Senate Amendment "A"?

The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker and Members: This Senate Amendment "A" is merely to correct an error which was made in the re-draft of this bill. The Amendment is consistent with the action of our committee and I move its adoption.

The SPEAKER: The gentleman from Anson, Mr. Sharpe, moves that the House now adopt Senate Amendment "A". Is it the pleasure of the House to adopt Senate Amendment "A"?

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

**Non-Concurrent Matter
Tabled**

Bill "An Act Relating to Old Age Assistance (H. P. 865) (L. D. 332) which was passed to be enacted in the House on April 5th and passed to be engrossed as amended by Committee Amendment "A" on March 28th.

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

In the House: The House voted to reconsider its action whereby it passed the Bill to be engrossed as amended by Committee Amendment "A" on March 28th.

The Chair recognizes the gentleman from Greene, Mr. Sanderson.

Mr. SANDERSON: Mr. Speaker, I move that this matter be tabled, in the absence of the House Member of that Committee.

The SPEAKER: The gentleman from Greene, Mr. Sanderson, moves that Item 5, Bill "An Act Relating to Old Age Assistance (H. P. 865) (L. D. 332) be tabled pending further consideration. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

House Reports of Committees Leave to Withdraw

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act Relating to Board of Police of the City of Waterville" (H. P. 1640) (L. D. 993) reported leave to withdraw.

Mr. Bennett from the Committee on Salaries and Fees reported same on Bill "An Act Relating to Salaries of Judge and Recorder of the Rumford Falls Municipal Court" (H. P. 1705) (L. D. 1025)

Mr. Clapp from same Committee reported same on Bill "An Act Increasing the Salary of the Judge of the Norway Municipal Court" (H. P. 1005) (L. D. 436)

Reports were read and accepted and sent up for concurrence.

Mr. Kent from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Sheriff of Somerset County" (H. P. 139) (L. D. 44) reported leave to withdraw as it is covered by other Legislation.

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled

Mr. DeSanctis from the Committee on Claims reported "Ought not to pass" on Resolve in Favor of

James P. Hathaway, of Saco (H. P. 1125)

(On motion by Mr. McEnery of Saco, tabled pending acceptance of Committee Report)

Mr. Martin from the Committee on Claims reported "Ought not to pass" on Resolve in Favor of Charles Nowak of Berlin, N. H. (H. P. 1453)

Mr. Williams from the Committee on Judiciary reported same on Bill "An Act Creating the Department of Public Safety" (H. P. 481) (L. D. 156) as it is covered by other Legislation.

Mr. Bennett from the Committee on Salaries and Fees reported same on Bill "An Act Relating to Fees and Expenses of State Humane Agents" (H. P. 1532) (L. D. 863)

Mr. Brown from same Committee reported same on Bill "An Act Relating to Expense of Uniforms of Deputy Sheriffs" (H. P. 1735) (L. D. 1089)

Reports were read and accepted and sent up for concurrence.

Tabled

Mr. Campbell from the Committee on Salaries and Fees reported "Ought not to pass" on Bill "An Act Relating to Salaries of Inland Fish and Game Wardens and Deputy Commissioner" (H. P. 1072) (L. D. 478)

(On motion by Mr. Hill of Bingham, tabled pending acceptance of Committee Report)

Mr. Bucknam from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Relating to Taking Clams in Town of Friendship" (H. P. 1669) (L. D. 931) as it is covered by other Legislation.

Mr. Phillips from same Committee reported same on Bill "An Act Relating to Fishing Menhaden by Seine" (H. P. 1851) (L. D. 1189)

Mr. Stevens from same Committee reported same on Bill "An Act Relating to Protection of Weirs" (H. P. 1915) (L. D. 1277) as it is covered by other Legislation.

Mr. DeSanctis from the Committee on Temperance reported "Ought

not to pass" on Bill "An Act Prohibiting the Procuring of Liquor for Certain Persons" (H. P. 1423) (L. D. 756)

Same gentleman from same Committee reported same on Bill "An Act Relating to Definitions and Location of Licensed Premises in Liquor Law" (H. P. 1859) (L. D. 1196)

Mr. Jalbert from same Committee reported same on Bill "An Act Relating to Entertainment in Licensed Premises" (H. P. 1548) (L. D. 825)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Campbell from the Committee on Inland Fisheries and Game on Resolve Relative to Sale of Hatcheries and Feeding Station Property Authorized (H. P. 1398) (L. D. 761) reported same in a New Draft (H. P. 2056) (L. D. 1485) under same title and that it "Ought to pass"

Report was read and accepted, and the Resolve, having already been printed, was read once and tomorrow assigned.

Tabled

Mr. Burgess from the Committee on Judiciary on Bill "An Act Relating to Inheritance Tax Exemptions in Class A" (H. P. 1909) (L. D. 1270) reported same in a New Draft (H. P. 2061) (L. D. 1490) under same title and that it "Ought to pass"

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

Mr. Williams from the Committee on Judiciary on Bill "An Act Relating to Jurisdiction of Divorce Actions by Justice of Superior Court in Vacation" (H. P. 1717) (L. D. 1074) reported same in a New Draft (H. P. 2062) (L. D. 1491) under same title and that it "Ought to pass"

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act to Amend the Charter of the City of Waterville to Provide for the

Appointment of One Full-Time Assessor" (H. P. 1639) (L. D. 992) reported same in a New Draft (H. P. 2053) (L. D. 1482) under same title and that it "Ought to pass"

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

The SPEAKER: The Chair notes at this time the presence in the balcony of the Hall of the House, the Eighth Grade of the South Portland Grammar School. Mrs. Kenney and Mrs. Moynihan are in charge. On behalf of the House, we bid you welcome. (Applause)

Mr. Brown from the Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of Certain County Officials in Knox County" (H. P. 599) (L. D. 182) reported same in a New Draft (H. P. 2059) (L. D. 1488) under new title "An Act Relating to the Salary of the Judge of Probate in Knox County" and that it "Ought to pass"

Mr. Kent from same Committee on Bill "An Act Relating to Salaries of Deputy Register of Deeds and Clerks in the Office of Register of Deeds, in the County of Cumberland" (H. P. 191) (L. D. 63) which was recommitted reported same in a second New Draft (H. P. 2060) (L. D. 1489) under same title and that it "Ought to pass"

Mr. Hanson from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Pollution of Tidal Waters" (H. P. 1318) (L. D. 687) reported same in a New Draft (H. P. 2054) (L. D. 1483) under same title and that it "Ought to pass"

Mr. Littlefield from same Committee on Bill "An Act Relating to Taking Clams in Town of Cushing" (H. P. 1668) (L. D. 976) reported same in a New Draft (H. P. 2055) (L. D. 1484) under new title "An Act Relating to Taking of Clams, Quahogs, Mussels, Clam-

worms and Bloodworms in the Towns of Cushing and Friendship" and that it "Ought to pass"

Mr. Stevens from same Committee on Bill "An Act Relating to the Sale or Packing of Herring" (H. P. 1350) (L. D. 700) reported same in a New Draft (H. P. 2057) (L. D. 1486) under same title and that it "Ought to pass"

Ought to Pass Printed Bills

Mr. Knapp from the Committee on Claims reported "Ought to pass" on Resolve in Favor of Mrs. Charles Boyce of Cumberland Mills (H. P. 165) (L. D. 53)

Mr. Lackee from the Committee on Welfare reported same on Bill "An Act Relating to Aid to Dependent Children" (H. P. 1009) (L. D. 440)

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

Ought to Pass with Committee Amendment

Mr. Payson from the Committee on Judiciary on Bill "An Act Relating to the Support of Dependent Wives, Children and Poor Relatives" (H. P. 1718) (L. D. 1075) 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.

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

COMMITTEE AMENDMENT "A"
to H. P. 1718, L. D. 1075, Bill "An Act Relating to the Support of Dependent Wives, Children and Poor Relatives."

Amend said Bill in section 2 thereof by inserting in the 6th line after the underlined word "charge" the following underlined punctuation and words: 'or is a public charge at the time of filing of petition'

Further amend said Bill in the same section by striking out the 6th and 7th lines from the end

thereof and inserting in place thereof of the following underlined sentence: "**State shall mean and include any state, territory or possession of the United States and the District of Columbia.**"

Further amend said Bill in the same section by inserting in the 3rd line from the end thereof after the underlined word "the" the underlined words 'initiating state or'

Further amend said Bill in subsection II of section 5 thereof by inserting in the 2nd line from the end after the underlined word "in" the following underlined words 'or is found in'

Further amend said Bill in subsection III of section 5 thereof by inserting in the 2nd line from the end after the underlined word "in" the following underlined words 'or is found in'

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

Mr. Payson from the Committee on Judiciary on Resolve to Provide for a Refund of Contributions to Certain Teachers (H. P. 1500) (L. D. 855) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve, having already been printed, was read once under suspension of the Rules.

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

COMMITTEE AMENDMENT "A"
to H. P. 1500, L. D. 855, Resolve to Provide for a Refund of Contributions to Certain Teachers.

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

"The amounts of the refunds which are herein authorized shall be processed in each individual instance in the manner providing for such refunds in the state employees' retirement system law and shall be paid out of the funds of said system."

Thereupon, Committee Amendment "A" was adopted and tomorrow

row was assigned for third reading of the Bill.

Mr. Woodworth from the Committee on Judiciary on Bill "An Act Relating to the Establishment of a Civil Defense Agency and Other Organizations" (H. P. 1301) (L. D. 656) and new draft of same under title of "An Act Relating to the Establishment of a Civil Defense Agency and a Public Safety Council" (H. P. 2013) (L. D. 1398) which were recommitted reported that the New Draft "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

The SPEAKER: Is it the pleasure of the House to accept the "Ought to pass" report of the committee?

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

Mr. WOODWORTH: Mr. Speaker, in asking that the House accept the report of the committee, I would respectfully ask that every member of the House read this bill. It is a bill which is intended to authorize the Governor and other officers of the State to deal with emergencies such as we had in 1947 with those disastrous fires. The bill itself is a composite of three separate bills, one of which was introduced by the Senator from Oxford, Senator Cobb, one by the gentleman from Houlton, Mr. Robbins, and one by myself. The bill follows, generally, the Civil Defense Act introduced by the gentleman from Houlton, Mr. Robbins. It authorized the Governor to create within the executive branch of the government a Department of Civil Defense and Public Safety. Until such time as he sees fit to do that, there is created a Public Safety Council which sets up an organization which will deal with such emergencies as may arise.

I am not going to take time to explain just how that is accomplished, but as it is an organization with a very great deal of power, dealing with all emergencies which arise short of those which are controlled by the military branch, I think that every citizen of Maine should know just what it is.

The bill itself carries no specific appropriation. It is contemplated that the initial expenses will come out of the Contingent Fund. There will be no great expense unless an emergency comes. If it does come, an ordinary emergency will be dealt with out of the Contingent Fund, and if there is a very grave emergency, the Legislature would probably be called in special session. At any rate, I may say that this Bill has occupied the time and thought of a great many people and the advice and opinion of the Governor was expressly sought when we determined the matter of the appropriation or lack of appropriation. The Governor very graciously appeared before the Judiciary Committee and discussed the matter with us.

I hope the bill will be read and I hope that it will meet the approval of the House.

The SPEAKER: Is it the pleasure of the House to accept the report of the committee?

Thereupon, the motion prevailed, and the committee report was accepted. This being a printed Bill, the rules were suspended and the Bill had its two several readings.

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

COMMITTEE AMENDMENT "A" to H. P. 2013, L. D. 1398, Bill "An Act Relating to the Establishment of a Civil Defense Agency and a Public Safety Council."

Amend said Bill by striking out after the enacting clause thereof and before the headnote "Sec. 1"

Further amend said Bill by striking out in that part designated as Sec. 6 all of the headnote thereof and inserting in place thereof the following underlined headnote and sentences:

Emergency proclamation; publication; powers of the governor; annulment. Whenever a conflagration or other disaster exists or appears imminent in any part of the state, the governor shall by proclamation declare the fact and that an emergency exists in any and all sections of the state. Such proclamation shall be published in such news-

papers of the state and posted in such places as the governor deems necessary and a copy of such proclamation shall be filed with the secretary of state.'

Further amend said Bill in the same section by adding at the end thereof a new underlined paragraph to read as follows:

'Whenever the governor is satisfied that an emergency no longer exists, he shall annul the proclamation by another proclamation affecting the sections of the state covered by the original proclamation, or any part thereof, which said proclamation shall be published and posted in the same manner as provided for the issuance of the original proclamation.'

Further amend said Bill by inserting at the end of that part designated as Sec. 16 thereof a new underlined sentence to read as follows:

'The state shall be liable for any damage to any equipment utilized under the provisions of this chapter.'

Further amend said Bill by striking out all of section 2 thereof.

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

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act Relating to a Police Commissioner for the City of Waterville" (H. P. 1638) (L. D. 991) 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. 1638, L. D. 991, Bill "An Act Relating to a Police Commissioner for the City of Waterville."

Amend said Bill by striking out the title thereof and inserting in place thereof the following:
'An Act to Provide for a Police

Commissioner for the City of Waterville.'

Further amend said Bill by striking out all of Sec. 3 thereof and inserting in place thereof the following:

'Sec. 3. Salary of police commissioner. The salary of the police commissioner shall be \$1 per year.'

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

'Sec. 9. Referendum; effective date. This act shall take effect 90 days after adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the city of Waterville voting by ballot at any regular or special election called under the provisions of the charter of the city of Waterville before January 1, 1951. The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Provide for a Police Commissioner for the City of Waterville be accepted?" and the voters shall indicate by a cross or check mark placed under the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters, voting at said election, but only if the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor cast in said city at the next previous gubernatorial election. The result of the vote shall be declared by the municipal officers of said city of Waterville and due certificate thereof filed by the city clerk with the secretary of state.'

Reported by the Committee on Legal Affairs.

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

Mr. Paine from the Committee on Legal Affairs on Bill "An Act to Create the Mount Desert Island

Secondary Community School District" (H. P. 1911) (L. D. 1274) 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. 1911, L. D. 1274, Bill "An Act to Create the Mount Desert Island Secondary Community School District."

Amend said Bill by striking out all of Sec. 11 and Sec. 12 and inserting in place thereof the following:

'Sec. 11. Procedure for participation by other towns. A town not originally in the participating group of towns may be included, upon vote of all the towns concerned, in the same manner as is prescribed for the establishing of the community school, under such terms and arrangements as may be recommended by the community school trustees and approved by such vote, provided the cost of applying towns shall be based on a fair valuation as determined by the assessors of said town.'

Further amend said Bill by renumbering "Sec. 13" to be 'Sec. 12'

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

Mr. Campbell from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of the South Portland Municipal Court" (H. P. 1941) (L. D. 1314) 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. 1941, L. D. 1314, Bill "An Act Relating to the Salary of the

Judge of the South Portland Municipal Court."

Amend said Bill, in the 6th line thereof, by drawing a line through the words "from the 1st day of January,"

Further amend said Bill, in the 6th line thereof, by striking out the underlined figures "1949"

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

Mr. Kent from the Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of the Judge and the Clerk of the Auburn Municipal Court" (H. P. 1849) (L. D. 1187) 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.

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

COMMITTEE AMENDMENT "A"
to H. P. 1849, L. D. 1187, Bill "An Act Relating to the Salaries of the Judge and the Clerk of the Auburn Municipal Court".

Amend said Bill by striking out the underlined figures "\$2,500" in the 16th line thereof and inserting in place thereof the underlined figures '\$2,400'

Further amend said Bill by striking out the underlined figures "\$1,900" in the 22nd line thereof and inserting in place thereof the underlined figures '\$1,800'

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

Mr. Ames from the Committee on Sea and Shore Fisheries 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) 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. 1799, L. D. 1141, Bill "An Act Relating to the Taking of Clams, Quahogs, Mussels and Worms in the Town of Islesboro"

Amend said Bill by striking out, at the end of the 1st sentence, the words "or a person who is assessed and pays a real estate tax therein"

Further amend said Bill by striking out the words "or taxpayer" in the 6th line thereof.

Further amend said Bill by inserting before the period at the end of the 1st paragraph thereof the following words: 'nor any person from digging not in excess of ½ bushel in any 1 day for his own use nor any riparian owner from digging on his own property'

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

Mr. Hanson from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Digging of Clams in the Town of South Bristol" (H. P. 1943) (L. D. 1315) 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. 1943, L. D. 1315, Bill "An Act Relating to the Digging of Clams in the Town of South Bristol."

Amend said Bill by striking out all of the Title thereof and inserting in place thereof, the following Title: 'An Act Relating to the Digging of Clams in the Towns of Bristol and South Bristol.'

Further amend said Bill by striking out in the headnote thereof, the underlined words "town of South

Bristol" and inserting in place thereof, the underlined words 'towns of Bristol and South Bristol'.

Further amend said Bill by striking out, in the 3rd line thereof, the words "town of South Bristol" and inserting in place thereof the words 'towns of Bristol and South Bristol'.

Further amend said Bill by striking out, in the 4th line thereof, the word "town" and inserting in place thereof the word 'towns'.

Further amend said Bill by striking out, in the 7th line thereof, the word "town" and inserting in place thereof the word 'towns'.

Further amend said Bill by striking out, in the 3rd line of the 2nd paragraph thereof, the words "town of South Bristol" and inserting in place thereof, the words 'towns of Bristol and South Bristol'.

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

Mr. Littlefield from the Committee on Sea and Shore Fisheries on Resolve Relative to Catching Lobsters Near Monhegan (H. P. 674) (L. D. 220) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 674, L. D. 220, Resolve Relative to Catching Lobsters Near Monhegan.

Amend said Resolve by striking out the figures "2½" in the 7th line thereof and inserting in place thereof the figure '2'.

Committee Amendment "A" was then adopted and the Resolve was assigned for second reading tomorrow morning.

Mr. Littlefield from the Committee on Sea and Shore Fisheries on

Resolve Regulating Smelt Fishing in Union River, Hancock County (H. P. 603) (L. D. 241) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 603, L. D. 241, Resolve Regulating Smelt Fishing in Union River, Hancock County.

Amend said Resolve by inserting after the title the following emergency preamble:

Emergency preamble. Whereas, it is unlawful to take smelts in the Union river, Hancock county; and

Whereas, the following legislation is vitally necessary to permit the taking of smelts in the Union river; and

Whereas, such legislation is necessary to encourage the tourist business in the state of Maine and to provide food for the citizens of Maine; 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, be it

Further amend said Resolve by inserting after the words "Union river" in the 4th line the following: ' Hancock county.'

Further amend said Resolve by adding at the end thereof the following emergency clause:

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

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

Mr. CHASE: Mr. Speaker, under the guise of emergency I have taxed my imagination and strained my conscience to its utmost limits in order to vote for measures alleged

necessary in the interest of the public peace, health and safety. I find it difficult, however, without further explanation, to believe that smelt fishing in Union River constitutes an emergency within the meaning of the Constitution, and in order that I may get a plausible reason, at least, from the committee for changing my opinion, I move that Committee Amendment "A" be indefinitely postponed.

The SPEAKER: Is it now the pleasure of the House to adopt Committee Amendment "A"?

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

Mr. CHASE: Mr. Speaker, is a motion to indefinitely postpone Committee Amendment "A" in order?

The SPEAKER: The motion suggested by the gentleman is in order.

Mr. CHASE: Mr. Speaker, I move that Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that Committee Amendment "A" to House Paper 603, Legislative Document 241, Resolve Regulating Smelt Fishing in Union River, Hancock County, be indefinitely postponed. Is it the pleasure of the House that Committee Amendment "A" be indefinitely postponed? As many as are in favor of the motion of the gentleman from Cape Elizabeth, Mr. Chase, that Committee Amendment "A" be indefinitely postponed will say aye; those opposed no.

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

The SPEAKER: Seventy-one having voted in the affirmative and twelve in the negative, the motion to indefinitely postpone Committee Amendment "A" prevails.

Thereupon, the Resolve was assigned for second reading tomorrow morning.

Mr. Stevens from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Smelt Fishing in the Tidewaters of the Penobscot

River and Its Tributaries" (H. P. 1320) (L. D. 689)

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

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

Mr. THOMPSON: Mr. Speaker, this being an emergency act, I would like to have Committee Amendment "A" read and accepted.

The SPEAKER: The Clerk will read Committee Amendment "A".

COMMITTEE AMENDMENT "A" to H. P. 1320, L. D. 689, Bill "An Act Relating to Smelt Fishing in the Tidewaters of the Penobscot River and Its Tributaries."

Amend said Bill by inserting after the title and before the enacting clause the following emergency preamble:

'Emergency preamble. Whereas, it is unlawful to fish for and take smelts from the Penobscot river and its tributaries during certain periods of the year; and

Whereas, the following legislation is vitally necessary to permit such taking this spring in order to encourage the tourist business in the state of Maine and to provide food and livelihood for the citizens of the state; 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 striking out the underlined words "**and its tributaries**" in the 5th line thereof.

Further amend said Bill by inserting after the 1st sentence of the 2nd paragraph the following underlined sentence:

'It shall be lawful to fish for and take smelts from the tributaries of the Penobscot river between the 1st day of October and the 1st day of May.'

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

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

The SPEAKER: The Speaker recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: I move that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Ellsworth, Mr. Dunham, moves that Committee Amendment "A" to H. P. 1320, L. D. 639, Bill "An Act Relating to Smelt Fishing in the Tidewaters of the Penobscot River and Its Tributaries" be indefinitely postponed.

The Chair recognizes the gentleman from Brewer, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker, the reason that we had an emergency on this is that smelts coming up the Penobscot River sometimes come up the first day of May. The boys up there like to fish and the boys like to catch smelt. In order for them to do that, we have to have fifteen days in May when we can catch fish in the Penobscot River. That is the reason I put the emergency clause on there.

When the vote is taken, I would like to have it taken by a division on indefinite postponement.

The SPEAKER: The question before the House is on the motion of the gentleman from Ellsworth, Mr. Dunham, that Committee Amendment "A" be indefinitely postponed. The gentleman from Brewer, Mr. Thompson, has requested that when the vote is taken, it be taken by a division. As many as are in favor of the motion of the gentleman from Ellsworth, Mr. Dunham, that Committee Amendment "A" be indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-three having voted in the affirmative and twenty-eight having voted in the negative, the motion prevailed.

Thereupon, the Bill was assigned for third reading tomorrow morning.

Mr. THOMPSON: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. THOMPSON: Mr. Speaker, I rise to change my vote, Sir.

The SPEAKER: The Chair will state that the Clerk has no official record of the vote.

Mr. THOMPSON: Mr. Speaker, do I understand that I cannot change my vote from "yes" to "no" either way I want to shift it?

The SPEAKER: The Chair will have to state that the Clerk does not have any record of the vote.

Mr. THOMPSON: Then, Mr. Speaker, I can table this matter right now, can I not?

The SPEAKER: The Chair understands that the Bill has already been assigned for third reading tomorrow morning at ten o'clock. The gentleman is in order to move to reconsider the matter of the time of assignment if he cares to.

Mr. THOMPSON: I will leave the matter until tomorrow morning, Mr. Speaker.

Divided Report Tabled

Majority Report of the Committee on Inland Fisheries and Game on Bill "An Act Relative to Fishing Contests" (H. P. 984) (L. D. 415) reporting same in a New Draft (H. P. 2058) (L. D. 1487) under title of "An Act Relating to Fishing Contests on Inland Waters" and that it "Ought to pass"

Report was signed by the following members:

Messrs. BOWKER of Cumberland
SMART of Hancock
—of the Senate

WIGHT of Bangor
BEARCE of Caribou
CAMPBELL of Guilford
HILL of Bingham
HAYWARD of Machias

PLUMMER of Lisbon

CARVILLE of Stratton

—of the House

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

Report was signed by the following member:

Mr. ELA of Somerset

—of the Senate

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker, I move that L. D. 1487 lie upon the table and just a word of explanation. In the third line - - -

The SPEAKER: The Chair will have to state that the motion has been that this matter lie upon the table, therefore it is not debatable.

The gentleman from Guilford, Mr. Campbell, moves that Item 38, Bill "An Act Relative to Fishing Contests," the New Draft being H. P. 2058, L. D. 1487, with accompanying papers, lie upon the table pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed.

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

Passed to be Engrossed

Bill "An Act to Increase the Salaries of Members of the State Police" (S. P. 75) (L. D. 51)

Bill "An Act Relating to the Salary of the Sheriff of York County" (S. P. 265) (L. D. 395)

Bill "An Act Relating to Salary of Register of Deeds and Clerks in the Office of Register of Deeds, Hancock County" (S. P. 439) (L. D. 792)

Bill "An Act Relating to the Salary of Clerk of Courts, Hancock County" (S. P. 442) (L. D. 794)

Bill "An Act Relating to the Salary of the Register of Deeds of Waldo County" (S. P. 534) (L. D. 1055)

Bill "An Act to Amend the Charter of the Yarmouth Water District" (H. P. 1068) (L. D. 474)

Bill "An Act Relating to Permits for Interstate Carriers" (H. P. 1527) (L. D. 858)

Bill "An Act to Dissolve Portland Bridge District and Transfer Property to State" (H. P. 1673) (L. D. 980)

Bill "An Act to Amend the Charter of the City of Auburn to Provide for Two Councilmen at Large" (H. P. 1999) (L. D. 1382)

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

Bill "An Act Relating to Night Harness Horse Racing" (H. P. 2006) (L. D. 1388)

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

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

Mr. DOW: Mr. Speaker, I move that Item 10 lie on the table pending passage to be engrossed.

Calls of "No, no."

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that Item 10, Bill "An Act Relating to Night Harness Horse Racing" (H. P. 2006) (L. D. 1388) lie upon the table pending passage to be engrossed. Is this the pleasure of the House?

Calls of "No."

The SPEAKER: As many as are in favor of the motion of the gentleman from Falmouth, Mr. Dow, that the item lie on the table will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed, and sent to the Senate.

Bill "An Act to Ratify and Make Valid the Incorporation of Second Congregational Society of Searsport Harbor, in Searsport, Maine" (H. P. 2050) (L. D. 1476)

Bill "An Act Relating to Instal-

lations in Public Highways" (H. P. 2052) (L. D. 1478)

Resolve Regulating Fishing in Certain Ponds in Somerset County (S. P. 516) (L. D. 1047)

Resolve for Development of State Park Facilities (H. P. 653) (L. D. 1450)

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

Amended Bills

Bill "An Act to Repeal the Incorporation of Bridgton Centre Village Fire Corporation and Bridgton Centre Village Corporation" (H. P. 361) (L. D. 124)

Was 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.

Tabled

Bill "An Act Relating to Taxation of Personal Property" (H. P. 1007) (L. D. 438)

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

(On motion by Mr. Jewett of Manchester, tabled pending passage to be engrossed.)

Bill "An Act to Incorporate the Bluehill Water District" (H. P. 1885) (L. D. 1256)

Was 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.

Tabled

Bill "An Act to Provide for a Council-Manager Form of Government for the City of Westbrook" (H. P. 1983) (L. D. 1364)

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

(On motion by Mr. Paine of Portland, tabled pending passage to be engrossed.)

Tabled

Bill "An Act Amending the Charter of the City of Auburn" (H. P. 2000) (L. D. 1383)

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

(On motion by Mr. Jacobs of Auburn, tabled pending passage to be engrossed)

Tabled and Assigned

Bill "An Act Relating to Branding of Potatoes" (S. P. 395) (L. D. 733)

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

(On motion by Mr. Burgess of Limestone, tabled pending passage to be engrossed and specially assigned for Tuesday, April 19th)

Bill "An Act Relating to Trucks Transporting Pulp, Slabs and Logs" (S. P. 641) (L. D. 1415)

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

Tabled

Bill "An Act Relating to Automobile Travel by State Employees" (H. P. 2042) (L. D. 1465)

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

(On motion by Mr. Grant of South Portland, tabled pending passage to be engrossed)

Passed to be Enacted

An Act Relating to Transportation of Clams (S. P. 179) (L. D. 237)

An Act Relating to Powers and Duties of Liquor Inspectors (S. P. 643) (L. D. 1418)

An Act Relating to Ballots (S. P. 644) (L. D. 1420)

An Act Relating to the Aeronautical Fund (S. P. 645) (L. D. 1419)

An Act Amending the Unemployment Compensation Law as to Employer's Experience Classification (H. P. 1391) (L. D. 724)

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

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, 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 Imposing a Personal Income Tax and Additional Corporate Franchise Tax" (H. P. 1821) (L. D. 1130) Majority Report "Ought not to pass", Minority Report "Ought to pass in New Draft" (H. P. 2046) (L. D. 1481) under title of "An Act Imposing a Personal Income Tax", tabled on April 13th by the gentleman from Cape Elizabeth, Mr. Chase, pending acceptance of either report.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I would like to ask indulgence of the House to allow this matter to be retabled and specially assigned for tomorrow morning.

I will give this reason before making the motion. The Governor of Maine has authorized me to say to you ladies and gentlemen, that he will attend a joint session tomorrow morning in this House to express his views to us on matters of policy which will be most important for the remainder of our session.

For that reason, Mr. Speaker, I now move that this matter lie upon the table and be specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the first tabled and today as-

signed matter lie upon the table and be specially assigned for tomorrow morning, Friday, April 15th.

Thereupon, the motion prevailed, and the two reports, with accompanying papers, were retabled pending acceptance of either report and specially assigned for 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 Temperance on Bill "An Act to Permit Taverns to Sell Wine and Spirits" (H. P. 1752) (L. D. 1044) tabled on April 13th by the gentleman from Lewiston, Mr. Malenfant, pending his motion to substitute the bill for the report.

The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. MALENFANT: Mr. Speaker and Members of the House: No doubt you all know that a tavern law was passed two years ago. This was to sell beer to men only while they stood at the bar.

This year, I presented a bill to permit taverns to sell hard liquor by the glass to men only. No doubt, some of you are against liquor, but this does not accomplish any purpose under the present law. First of all, you can not stop people from drinking. The State of Maine already has a law which permits them to drink. As it is now, if a man wants to buy hard liquor by the glass legally, the only place for them to go is a cocktail lounge. You all know that these places charge high prices for liquor. Often these cocktail lounges are patronized by women. Some of them sit there waiting for a victim to come in to make them spend money by buying them liquor. If a working man comes out of work dressed in overalls, he does not feel like going into a cocktail lounge. The only place he can go and will go is the kitchen beer room where they sell liquor without a permit. In the kitchen beer room they sell cheap liquor at a high price. Often this

kind of liquor is poison to them. They sell liquor in front of their children. If you want to establish a better place for them to drink hard liquor, vote for this bill. What kind of a place do you want to be in business: a kitchen bar room selling liquor without a permit, or a tavern that will sell liquor where a man can go in and take a drink and walk out without being bothered by anybody and without breaking the law?

I do not want to pass this bill for my own good, because I do not use any kind of liquor; but it is for those who want to drink in moderation in a respectable place.

From my own experience as a city officer for seven years in Lewiston, I know that money spent in a cocktail lounge by men is money of which their family is deprived.

Now, members of the House, this is not a party measure. This is a bill that will bring revenue to the State and protect the working man and his family. If you pass this bill this morning, that does not mean that this bill is going to become a law. The people of the cities and towns of the State of Maine will vote on that at the next election on the liquor referendum. The city that wants to give hard liquor to taverns, it will be up to them to vote for them, and if they do not want to give hard liquor to taverns it will be up to them to vote against it. It is up to the people of Maine to decide whether they want hard liquor in taverns or not.

This morning there is a chance for you to do a lot of good if you vote for this bill. When some of you bring up a good bill I never hesitate to vote with you. This morning I hope you do just as much for me on this bill, because I feel it is a good bill.

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

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

The Chair recognizes the gentleman from Orient, Mr. Maxell.

Mr. MAXELL: Mr. Speaker and Members of the House: As one of the members of that temperance committee which voted this bill out unanimously as "Ought not to pass," I hold the greatest regard for the integrity and the honesty and the good judgment and fair dealing of this body and, in my opinion, this bill is a waste of time, and I believe that this legislative body, or group, is in no position or in no mood to consider such legislation as this. For this bill absolutely brings nothing else back to us but the old barroom and all its attendant evils.

There is nothing else sold here and no food, no chairs and no tables provided, but a man must come in and stand up at the bar and drink his liquor. It is nothing more nor less than the old barroom in its glorious days.

My friend says that a man would have one drink and go out. If that were the case, it would be quite easy. But as a matter of fact, after a man has had one drink, then he finds he wants to make a lot of talk and after he has had the second drink, then he forgets altogether he ever had a home or a place to go. Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. DeSanctis.

Mr. DeSANCTIS: Mr. Speaker and Members of the House: As a member of the Temperance Committee which reported this bill out unanimously "Ought not to pass", I feel that the liquor control in the State of Maine at the present time is satisfactory. We do not want to open up any doors that are going to spoil that and spoil the revenue that is coming to the State from the sale of liquor. The statement was made by the gentleman from Lewiston, Mr. Malenfant, that a person goes into a cocktail lounge or barrooms or kitchen bars and spends all his money and deprives his family of money. In this respect, it would be the same thing.

You can't stop a man from spending his money no matter where he wants to spend it or how. Another thing he claimed was that cocktail lounges charge more money. The story behind that is this: That they all have to buy their liquor from the State, regardless.

I hope the motion of the gentleman from Lewiston (Mr. Malenfant) does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. MALENFANT: Mr. Speaker, it is true this bill was voted "Ought not to pass." There are ten men on the Temperance Committee, if I remember right. What is that against 860,000 people in the State of Maine? Who is the man who can decide for the whole State? It is funny that none of these men who oppose my bill ever have gone into cocktail rooms where many young men and women lose their reputation. The cocktail lounge and the so-called beer parlors and restaurants are the causes of many divorces.

In the tavern, there will be men only; no women, no young girls are going to lose their reputation in the taverns because there will not be any women there. And in the cocktail lounges, a good many men, I am sorry to say, go home at night with a disease. This will never happen in taverns because there will be no women, but men only.

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

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I find myself, this morning, in a position worthy of comment. Some of you who have been here several sessions have seen me in disagreement with the Temperance Committee many times.

This morning, I subscribe to the judgment of the committee and I

want to go along with my friend from Madison, Mr. DeSanctis.

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

The same gentleman has requested that when the vote is taken, it be taken by division. Is the House ready for the question? As many as are in favor of the motion of the gentleman from Lewiston, Mr. Malenfant, 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 their count.

A division of the House was had.

Six having voted in the affirmative and eighty-four having voted in the negative, the motion to substitute the bill for the "Ought not to pass" report of the committee did not prevail.

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

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

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

Mr. PAINE: Mr. Speaker, I would like to move that the House do now reconsider its action whereby it accepted the "Ought not to pass" report on "An Act to Revise the Charter of the City of Westbrook".

The SPEAKER: the gentleman from Portland, Mr. Paine, moves that the House do now reconsider its action of yesterday whereby on Bill "An Act to Revise the Charter of the City of Westbrook," H. P. 1984, L. D. 1365, the "Ought not to pass" report of the committee was accepted.

Is it the pleasure of the House to reconsider its action of yesterday?

The motion prevailed.

On further motion by Mr. Paine, the bill and accompanying papers were tabled pending acceptance of the committee report.

On motion by Mr. Sanderson of Greene, the House voted to take from the table, Bill "An Act Relating to Old Age Assistance" (H. P. 865) (L. D. 332) which was previously tabled by that gentleman earlier in today's session pending further consideration.

Thereupon, the House voted to reconsider its action of April 5th whereby the Bill was passed to be enacted; and further voted to reconsider its action of March 28th whereby the Bill was passed to be engrossed.

On motion by Mr. Lackee of Addison, the House then voted to recede and concur with the Senate in the adoption of Senate Amendment "A".

Thereupon the Bill was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in concurrence.

On motion by Mr. Gauvin of Lewiston, the House voted to take from the table the 79th tabled and unassigned matter, Senate Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Hospital General Ste. Marie of Lewiston (S. P. 566) (L. D. 1231), tabled on April 13th by that gentleman pending acceptance of the report.

On further motion by the same gentleman, the Report and Resolve were committed to the Committee on Claims in concurrence.

On motion by Mr. Gauvin of Lewiston, the House voted to take from the table the 80th tabled and unassigned matter, Senate Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Saint Joseph Orphanage of Lewiston (S. P. 565) (L. D. 1230) tabled on April 13 by that gentleman pending acceptance of the report.

On further motion by the same gentleman, the Report and Resolve were committed to the Committee on Claims in concurrence.

On motion by Mr. Gauvin of Lewiston, the House voted to take from the table the 81st tabled and unassigned matter, Senate Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of the Marcotte Home of Lewiston (S. P. 564) (L. D. 1229) tabled on April 13th by that gentleman pending acceptance of the report.

On further motion by the same gentleman, the Report and Resolve were committed to the Committee on Claims in concurrence.

On motion by Mr. Gauvin of Lewiston, the House voted to take from the table the 82nd tabled and unassigned matter, Senate Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Saint Louis Home and School, West Scarboro (S. P. 568) (L. D. 1233) tabled on April 13th by that gentleman pending acceptance of the report.

On further motion by the same gentleman, the Report and Resolve were committed to the Committee on Claims in concurrence.

On motion by Mr. Gauvin of Lewiston, the House voted to take from the table the 83rd tabled and unassigned matter, Senate Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Healy Asylum of Lewiston (S. P. 567) (L. D. 1232) tabled on April 13th by that gentleman pending acceptance of the report.

On further motion by the same gentleman, the Report and Resolve were committed to the Committee on Claims in concurrence.

On motion by Mrs. Fay of Portland, the House voted to take from the table the 63rd tabled and unassigned matter, Bill "An Act Amending the Unemployment Compensation Law as to Payment of Benefits" (H. P. 2031) (L. D. 1438) tabled by that gentlewoman on April 7th pending third reading.

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

Mr. JENNINGS: Mr. Speaker and Members of the House: I now offer House Amendment "A" and, after a brief explanation, I shall move its adoption.

This amendment is offered by me for the purpose of reinstating in the new draft, L. D. 1438, a provision which was contained in the original Bill, L. D. 722.

The point involved is briefly, that under the existing law the Unemployment Compensation Commission has the power to increase or decrease up to 20% the benefits paid under the Unemployment Act.

Under the law as it existed up to 1943, the maximum benefit rate was set at \$15.00 a week. About that time, the Commission, under the power vested in it, increased the maximum by 20% to \$18.00 a week.

In 1945 the Legislature increased the maximum to \$20.00 and thereafter the Commission again granted an increase of 12½% making the maximum \$22.50.

The present bill proposes to increase the maximum rate to \$25.00 per week and make various minor readjustments in the whole benefit schedule, both for total and partial unemployment.

This bill increases the benefit rate of persons earning \$2,000 to \$3,000. Under the existing law the \$2,000 earning was the highest benefit bracket. This bill was sponsored by representatives of industry. As you know, all contributions to the Unemployment Compensation Fund are paid by employers. The employees contributing nothing.

The sponsors of the bill feel that in view of this readjustment of the benefit schedule, the provision in the existing law giving the Commission authority to increase or decrease the rates by 20% should be repealed. Otherwise, it would be possible for the Commission under its present power to immediately grant a 20% increase which would make the maximum rate \$30.00 and which would be higher than the large majority of the states pay.

It is felt that it is a sounder policy for the Legislature to establish these benefit rates than to leave an element of flexibility to be exercised by the Commission. Under the Workmen's Compensation law the benefits are fixed by the Legislature and the Industrial Accident Commission has no authority to change them.

I now move that House Amendment "A" be adopted.

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

Mr. BROWN: Mr. Speaker and Members of the House: This amendment, if adopted, would bring the law back to its original intention. Therefore, I hope that the amendment will be adopted.

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

Mr. BROWN: Mr. Speaker and Members of the House: Our Unemployment Compensation Commission in the State of Maine has established a very good record. I think here in the State of Maine both sides in this issue have, ever since this law was adopted, got along very well. Most all the time when legislation was coming before our Legislature, the two groups that are affected by unemployment compensation usually agreed on most matters pertaining to the affairs of the Commission. During this session everything pertaining to this has been met the same way. We have been in complete agreement on everything.

There is one thing that I want to point out on this. That by adopting this amendment, the hands of this Commission are going to be completely tied. Should we drift into a serious depression with the Commission's hands tied, the only way that these matters can be rectified would be by the Governor calling a special session of the Legislature. Now, I don't think that we want to face that problem.

Another thing I want to point out to you is that the majority of the rules and regulations under which Unemployment Compensa-

tion Commission operates has to meet with federal approval and, unless they do meet with federal approval, their funds are withheld.

I wish this matter might be re-tabled until we give it further consideration; until both sides that are affected by this issue have a chance to get together and completely agree on it because, as I said before, we have been in complete agreement on everything relative to the Unemployment Compensation Commission and we want to continue that way.

With those thoughts in mind, I hope that we will table this matter until such time as it can be mutually agreed on by both sides.

The SPEAKER: The gentleman from Strong, Mr. Jennings, presents House Amendment "A" and moves its adoption. The gentleman from Baileyville, Mr. Brown, moves that the matter lie upon the table pending adoption of House Amendment "A".

As many as are in favor of the motion that the bill and accompanying papers lie upon the table pending adoption of House Amendment "A" will say aye, those opposed no.

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

Twenty-three having voted in the affirmative and ninety-nine having voted in the negative, the motion to table did not prevail.

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

Mr. FITCH: Mr. Speaker and Members of the House: As a member of the Federal Relations Committee, I wish to indorse all that the gentleman from Strong, Mr. Jennings, has said and I hope that House Amendment "A" will be adopted.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: The matter which is before you is a committee new draft of Legislative Document 1438. This represents what I understood to be the unan-

amous thought of the Committee on Federal Relations in regard to the several measures that were before them.

As a member of that committee, therefore, I feel that I must explain a few things about this bill. This entire bill is a compromise proposition on the part of the committee in attempting to adjust conflicting points of view in regard to the amount of benefits payable and with regard to the adjustment of the benefits as the fund requires from time to time.

Now, I find that an attempt has been made to go beyond the purposes of that compromise and change the bill to an extent that the committee did not in its last meeting understand. Now, this is what the bill does. It increases the maximum benefits payable from \$20 to \$25 per week and it provides a comparable increase in partial benefits where there is partial unemployment.

The section which it is sought to amend at this time provides that the commission may adjust those benefits as the Unemployment Compensation Commission Fund might demand from time to time and I would like to read that provision of the law which this amendment seeks to eliminate.

I will paraphrase it in certain sections so that I won't detain you too long.

"If the commission finds, that is, the Unemployment Compensation Commission, after reasonable notice and hearing, that benefit payments at the amounts prescribed . . . are in the aggregate, such an amount as will permit an increase in benefit payments without imperiling the solvency of the unemployment compensation fund, the commission shall, by regulation, increase the weekly benefit amounts set forth . . . by not to exceed 20%."

As the law now stands, the commission would be permitted to increase the maximum payments to \$24.00. The commission exercises discretion to permit increases to \$22.50, apparently acting on the assumption they could be so in-

creased without imperiling the solvency of the Unemployment Compensation Fund.

On the other hand, if at any time the commission finds, after reasonable notice and hearing, that benefit payments in effect at the time are, in the aggregate, such an amount as to imperil the solvency of the Unemployment Compensation Fund, the commission shall, by regulation, reduce such benefit amounts by not to exceed twenty percent.

Now, the Unemployment Compensation Fund, at the present time, amounts to something over \$40,000,000.

No one knows and no one can predict how sound that fund is because it has not been tested by a major recession or depression. We may well contemplate at the present time that the drains on that fund may be such as to warrant the exercise by the commission of this authority given to them under this act which is in question to reduce the benefits in order to preserve the solvency of the fund.

Now, here is a bill that acts both ways. It provides for an increase when conditions warrant it and provides for a decrease when the threatened insolvency of the fund requires it.

Now, I think that the measure is a wise one. I think it is one we should keep on the books. It was enacted into law in 1945 and nothing during the ensuing four years indicates that it should be repealed. For that reason, I hope this amendment is defeated.

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

Mr. BROWN: Mr. Speaker and Members of the House: To show you how we have operated under the present set-up, I think it was only about a year ago it was recognized that there was the necessity of raising the benefits under the Unemployment Compensation Fund.

Hearings were posted by the Unemployment Compensation Commission. They were held here in

the Senate Chamber. Both sides came in. Naturally, the group that represented labor was asking for an amount. Industry was willing to grant a certain amount. We reached a compromise in that hearing and it was finally decided, the recommendations to the commission were given and they were carried out. I believe that that is the way to do business. I believe when both sides recognize things that way we do not need too many binding laws to tell us that we must do this or that we must do that. So, I hope you will recognize that fact.

We are in serious times at the present time. The funds that are being paid out in unemployment are the funds that are keeping some of our towns going at the present time. I can take you to towns in my own county where, if it weren't for the fund, the Unemployment Compensation Fund, those towns this winter, would go so far into debt it would take them years to get out.

Now, we have a good thing here. Let's not cut it up so that we won't have anything worthwhile. Let's be serious about the matter, face the situation and try and preserve a law that has proved that it is working to the benefit not only of the unemployed of the State of Maine but to the benefit of the people who are doing business in the State of Maine because they are the ones that are getting the benefit of the checks that are issued by our Unemployment Compensation Commission.

Now, this law was set up making the employer the contributor. We recognized and went along a number of years ago with the merit rating—the experience rating—that was put into it. That has worked very well. Let's preserve the law as it is at the present time and I think it will pay dividends, not only to the unemployed but to business and everyone else in the State of Maine.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Strong, Mr.

Jennings, that the House do adopt House Amendment "A".

The Chair recognizes the gentleman from Sanford, Mr. Letourneau.

Mr. **LETOURNEAU**: Mr. Speaker and Members of the House: As a member of the Federal Relations Committee, I want to rise in opposition to this amendment. I believe we should have more faith in our Unemployment Commission than to try to repeal this thing. It is serious enough so that we might have to reconvene the Legislature at some future date to consider the matter.

I am also somewhat lost at the words of Mr. Fitch. He says that he is completely in accord with the words of the gentleman from Strong (Mr. Jennings). If my recollection is correct, Mr. Fitch has attended only one meeting of the Federal Relations Committee. I do not think this matter was taken up at that time so he must have gotten his information elsewhere. I think this was an unanimous report on this bill "Ought to pass".

I am in a position to know what unemployment checks will do for the average person because in my business I have a lot of dealings with these people and I can see that these checks are a tremendous help. I also realize that the employer contributes to this fund and I realize his interest in it, but I do not think you should forget the fact of what this law does. So, I want to go on record as opposing this amendment. Thank you.

The **SPEAKER**: The question before the House is upon the motion of the gentleman from Strong, Mr. Jennings, that the House do adopt House Amendment "A".

As many as are in favor of the motion of the gentleman from Strong, Mr. Jennings, that the House do adopt House Amendment "A" to H. P. 2031, L. D. 1438, Bill "An Act Amending the Unemployment Compensation Law as to Payment of Benefits", will say aye, those opposed will say no.

A viva voce vote being taken, the motion prevailed and House Amendment "A" was adopted.

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

On motion by Mr. McGlauffin of Portland, the House voted to take from the table the 77th tabled and unassigned matter, Resolve Proposing an Amendment to the Constitution to Set Forth the Duty of the State and the Towns Toward Education (H. P. 1572) (L. D. 886) tabled on April 12th by that gentleman pending passage to be enacted.

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

Mr. McGLAUFFIN: Mr. Speaker and Members of the House: This constitutional amendment passed this House by a majority vote a few days ago and it is now up for enactment, and it requires a two-thirds vote of all the members present here. I am not trying to see if I can defeat Mr. Chase's proposition. I have already told you how high I regard his opinion. I am not speaking on this bill either for the sake of making another speech, as some of you may think. I want to discuss this matter so that you may understand what you are doing when you vote to pass or not to pass this constitutional amendment.

I told you the other day that the reason I was opposed to the proposed amendment was that I thought it was safe and wise to keep control of the schools in the hands of the municipalities, and I felt that this was a step towards giving the State greater control over our schools; and I think it is almost inevitable that if the State gets to the point where it has to support the schools it will call on the Federal government to assist, and the first thing we know our schools will be under federal control and not under our own control.

Article VIII of the Constitution as it now reads says: "Any general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people, to promote this im-

portant 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 the public schools." The proposed amendment cuts out the words "at their own expense."

In talking with one of the members of the House yesterday, I found that he had the idea that at the present time when the State helped its schools it was doing so illegally, and that the proposed amendment was for the purpose of making it legal for the State to give the towns assistance. Now that seems to be the impression that many of you have. I do not think that Mr. Chase went so far as to say that, but if any of you have that impression I want to help you correct it now.

In the 68th Maine, Page 582, I find where this question was put up to the Supreme Court of Maine. Let me read:

"Has the legislature authority under the constitution of the state to assess a general tax upon the property of the state, for the purposes of distribution, under 'An act to establish the school mill fund for the support of common schools?'"

And the answer is as follows:

"By the constitution of this state, art. 4, part 3, Sec. 1, the legislature 'has full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state, not repugnant to this constitution, nor to that of the United States.'

"In the constitution, it is declared that a general diffusion of education is essential to the preservation of the liberties of the people. By its very language, it would seem that the 'general diffusion of education' was to be regarded as especially a 'benefit' to the people. If so, then the legislature has 'full power' over the subject matter of schools and of education to make all reasonable laws in reference thereto for the 'benefit of the people of the state.'

"The power of taxation 'for the defense and benefit of the people'

is limited only by the good sense and sound judgment of the legislature. If unwisely exercised, the remedy is with the people. It is not for the judicial department to determine where legitimate taxation ends, and spoliation by excessive taxation begins.

"Education being of benefit to the people, and taxation being incidental and essential to its successful promotion, the mill tax, being for educational purposes, must be regarded as constitutional."

The question then comes up as to who is to decide what is a suitable provision, and the Court holds that it is for the State. Then it says this — and I ask you to particularly notice this language:

"A 'suitable provision' must be one general in its character, and having regard to all the people of the state, in the aggregate. A 'suitable provision' is not necessarily a sufficient provision. A sufficient provision must be one adequate to meet the educational demands of the people. It may therefore become necessary to supplement what is a suitable provision by adding thereto what will make it a sufficient one. Have, then, the legislature the right to do this? There is no express prohibition to their so doing. The right to do so exists by art. 4, p. 3, Sec. 1, and no prohibition to the contrary is to be found in art. 8."

And then at Page 586 it says:

"It matters not, whether this fund was derived from the sale of the lands of the state, from taxes on its chartered banks, from state funds already in the treasury, or to be raised by taxation upon the real and personal estate of its inhabitants."

The Court goes on and makes this statement:

"By recurring to the debates of the convention by which the constitution was framed, it will be seen that it was anticipated that state aid was to be granted for the support of schools, in addition to the suitable provision required by article 8, of towns."

Now then, members of the Legislature, that decision proves conclusively that the State Legislature now has authority and abundant authority to raise funds to supplement the needs of the individual towns. I feel that this is a matter that you should seriously consider, because the proposed amendment cuts out "at their own expense." That leaves out the question of how far the state, if it sees fit, may go to control the finances of these schools."

Ladies and Gentlemen, let me point out to you that, as the law now stands, you know what your rights are; but if you pass this amendment you won't know what your rights will be tomorrow, because I can say to you that the question immediately arises: How far is a state going to take control of financing the schools? Keep this in mind: If you pass this and make a mistake, you lose control of your schools in your community forever. Think before you pass this emergency measure.

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

Mr. **McCLURE**: Mr. Speaker, I am not a member of the legal fraternity. No one believes any more in the Constitution and what it stands for than I do. Several days ago, before having made the study that perhaps I should have made on this measure, I differed with the views that I am going to express today, somewhat.

I believe there are five things that are going to protect our nation. We know the first one is our belief in a Supreme Being. I believe our second is our Constitution. Our third is our educational system; the fourth is to have a strong and alert military organization; and the fifth, a sound currency.

It may seem strange, when one has been tagged as a leader of the economy bloc, but I have taken into consideration when I opposed new taxes—through some study, and perhaps my study at all times has not been right—but as I see it, we

can carry on an educational program not only for the benefit of the child I love but for the children you love. I have confidence enough, not only in this Legislature but in future Legislatures that will take our place, to believe that they will protect the interests of our cities and towns and not allow anyone to control our school districts or our local problems.

We have been working, as I understand it, under this program for some time. I think it has, in most cases, been to the advantage of better education in Maine. We have new revenue-raising measures that apparently will go through, and I have felt we would have money enough even though we have no new taxes or revenue measures, and I feel that with others that will pass we will have it. Although I hate to oppose the gentleman from Portland, Mr. McGlauffin, a man whom I know has the courage of his convictions and believes every word that he says, I do not feel that we will repair our Constitution in any way by voting for this amendment.

The SPEAKER: The question before the House is on the final passage of the Resolve.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: You know Sandy had been courting his girl for a number of years and never had the courage to pop the question. He finally made up his mind, and one night he took her for a ride in his automobile, and, as he started out, he said, "Mary, will you marry me?" Mary says, "Yes, I will, Sandy." Sandy did not say anything further and he kept on driving mile after mile and still he did not say anything. Finally Mary said, "Well, why don't you say something else; I have accepted your proposal." Sandy said, "Mary, I think I have said too much already." (Laughter)

Well, I hesitate to get up again this morning, because I am afraid that perhaps I have said too much already; but as a member of the

Judiciary Committee who signed the "Ought to pass" report, I feel I should support my position, especially in view of the very scholarly attack which has been made upon it by the gentleman from Portland, Mr. McGlauffin, a few moments ago.

The intent of this bill, as I understood it at the time of the committee hearing and as I understand it today, is to codify the educational policy of the State as it is developed in our Constitution and the interpretation of our Constitution by the Supreme Court of the State. It is not my understanding and I cannot find anywhere in it, language that would in any way increase the authority of the State with reference to our local schools.

I, for one, am opposed in large measure to the extension of that drift away from local government towards stronger state government, and I think I have demonstrated that again and again in this House. If I thought for a moment that this bill would increase the authority of the State over our schools at the expense of local authority, I would oppose it and be one of the first to do so.

The language of the bill says this, among other things: "It shall be its duty"—that is the duty of the Legislature—"to require the cities and towns to make suitable provision for the support and maintenance of public schools." I do not understand that that differs materially from the present provision. Then it provides in addition: "that the Legislature may raise by general taxation and appropriate for equal support of educational opportunities such funds as may be required to supplement the means of the cities and towns."

As I understand it, that is what we are doing today, and that is what the Supreme Court has said we can do today.

A short time ago, we approved a measure which provided for the codification of our Constitution. We felt that there was such confusion with regard to it, because of the number of amendments, par-

ticularly amendments with regard to highway bonds, that a layman could not read it and understand it clearly. And so we have voted to provide for codifying it in order that it may be simplified in its language and more easily understood by laymen. As I see it, the reason I support this measure is this: simply that we are codifying the educational policy so that the layman may more thoroughly understand it. If this bill does anything further than that, then I am making a sad mistake, but, in all sincerity, I do not feel it does anything more than that.

The SPEAKER: The question before the House is on the final passage of the Resolve.

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: I rise in opposition to the enactment of this Resolve. The gentleman from Waterville, Mr. Muskie, just told us that the intent of the resolve is to clarify the constitution.

I suppose he may say by that that there is no doubt at the present time what the law is. The Supreme Court has already clarified it and the gentleman from Waterville has further told us that it would make no change in the existing practice; it merely codifies that practice. The question therefore before the House is whether we should adopt an amendment to the Constitution which is designed to accomplish a purely academic purpose or whether we should wait until we may gain some practical advantage.

The opponents of the bill—the gentleman from Houlton, Mr. Robbins, has stated—are not satisfied that other practices may not leak in behind this amendment. We may be all wrong, perhaps no change will take place but we know what the situation now is. Why take a chance?

I, myself, believe that at some time this constitutional provision should be changed. It should be changed, in my opinion, so as to provide that all moneys of the peo-

ple of Maine raised by taxation should go only to public schools or academies or universities in which the State has a proprietary interest.

At the present time, our Constitution does not require that. Our Constitution provides that the State may help any academy, no matter who controls it or who directs its policy. But it is, perhaps, a situation that can not be remedied at this time. The day may come when we must remedy it, but if we know what the law is now, I see no reason why we should take a chance and add amendments the exact meaning of which must be, perhaps, construed at some future date by that authority which has told us what our Constitution means, in other words, the Supreme Court of this State. When you pass an amendment to the Constitution of Maine, it must be passed by two-thirds of both branches of the Legislature and then ratified by a majority of the people on referendum. It seems to me that you ought to have something more than an academic argument. If you can show one practical advantage to be gained by adopting this Resolve, go ahead, vote for it. But no person who has spoken in favor of this Resolve today has told you of a single change that this amendment will make. If you want to vote for a referendum, spend the money, refer it to the people and not change a single thing in our present law, this is a good chance to do so. I hope the amendment will be defeated.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I signed the majority "Ought to pass" report as did the gentleman from Waterville, Mr. Muskie. I arise to concur with his opinion and besides to make one or two further comments.

Some question was raised in regard to federal aid and losing control of our schools. However, there is nothing in our present Constitu-

tion that would in any way protect us in that respect. If the federal government goes into the educational field, this State could participate under our Constitution. If it could not, this amendment would not change that feature.

I, personally, am opposed to any federal aid to education, believing that we should retain full control within the State. We are now spending nearly \$7,000,000 on the State level on education. We have acted favorably upon bills that would add \$3,000,000 or more if we had the money and it seems that the proposed amendment sets forth rather clearly a procedure that we are now following. It seems to me unwise to retain in our Constitution a statement which says that we must require towns to maintain suitable educational facilities at their own expense unless we intend to cease aiding municipalities. I think we would do well to adopt this amendment which would help to clarify our Constitution and make the meaning clearer.

The SPEAKER: The question before the House is on the final passage of the resolve.

The Chair recognizes the gentleman from Buckfield, Mr. Fuller.

Mr. FULLER: Mr. Speaker and Members of the House: My speech has been given several times already, so I am just going to state that it seems to me that this Resolve should be adopted for two reasons: 1. To make the wording of Article VIII more clearly understood by the layman, and 2. To make Article VIII of our Constitution more consistent with existing State laws, policies and practices towards education.

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

Mr. McCLURE: Mr. Speaker, in case there is a doubt in the minds of anyone, although, as I said before, I am not a member of the legal brotherhood, I believe it says in L. D. 886: "The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby em-

powered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives at the next general or special state-wide election, to give in their votes upon the amendment proposed in the foregoing resolution."

In other words, we are not to have a special election costing us extra money for the State, but this matter will be voted upon at our next biennial election.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Letourneau.

Mr. LETOURNEAU: Mr. Speaker and Members of the House: As a member of the Judiciary Committee, I will say that I do not agree on this amendment. I am sure I am not in too much of a position to say very much about it, but I am going to agree with the gentleman from Portland, Mr. McGlauffin, and go along with him rather than take a chance by changing the Constitution. I do not know what it will do to Sanford, but I do know that we have good schools in Sanford and the best teachers in the State. I do not want the State to come in there and tell us what to do, so, as I said before, I am going to play safe and vote against it.

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

Mr. SILSBY: Mr. Speaker and Members of the House: I realize the hour is late, and I have hesitated for some time to rise and state my conception of the matter now under consideration; but in view of the fact that it is rather confusing from the debate that we have already listened to, perhaps I can help you a little bit in regard to the purpose of this amendment.

If you have before you the Constitution of Maine, Article 8, there are three words, or rather four, "at their own expense"—"that the towns at their own expense may

support the schools under the advice of the Legislature.”

Now going back a little way to 68th Maine, that my good friend, Judge McGlauffin, has referred to, that was many years ago that our Law Court said, I presume under the police power of the Constitution, that it was public policy that the Legislature or the State might donate to the benefit of schools to the towns. Now we do not know but a taxpayer might raise the issue that this was an illegal expenditure under the system under which we are now operating in allocating money to the towns, and the Law Court might well say that we do not have that power any more.

Now this amendment just clarifies the Constitution. In other words, the Law Court says, “Here is a pattern and why do we not cut the cloth to it?”

That is the only point I want to make. I will not bother you any longer. The only thing we are doing is simply making it more clear as to what we can do, and, in doing that, we are not taking any chances that at some time in the future we might have some money here in the State of Maine that we could not allocate to the towns because the Law Court said otherwise.

The **SPEAKER**: The question before the House is on the final passage of Resolve Proposing an Amendment to the Constitution to Set Forth the Duty of the State and the Towns Toward Education (H. P. 1572) (L. D. 886). Is the House ready for the question?

This Resolve, having had its two several readings in the Senate and having been passed to be engrossed, and having had its two several readings in the House and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it be finally passed?

This being a constitutional amendment, requires for its pass-

age the affirmative vote of two-thirds of the elected membership of the House. All those in favor of the final passage of the Resolve will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The **SPEAKER**: Ninety-three having voted in the affirmative and thirty-two having voted in the negative, the Resolve is finally passed. It will be signed by the Speaker and sent to the Senate.

On motion by Mr. DeSanctis of Madison, the House voted to take from the table the 8th tabled and unassigned matter, Bill “An Act Relating to Applications for Liquor Licenses” (S. P. 449) (L. D. 799) tabled on March 15th by that gentleman pending assignment for third reading.

The same gentleman offered House Amendment “A” and moved its adoption.

House Amendment “A” was read by the Clerk as follows:

HOUSE AMENDMENT “A” to S. P. 449, L. D. 799, Bill “An Act Relating to Applications for Liquor Licenses.”

Amend said Bill by inserting before the period at the end of the 1st sentence of that part designated “Sec. 22-D” of section 1, the underlined words **‘and if applicant is a purchaser by contract, in addition, the terms of the contract’**

Further amend said Bill by striking out all of section 2 thereof.

Further amend said Bill by renumbering sections 3, 4, and 5 to be sections 2, 3, and 4.

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

‘Sec. 5 P. L. 1949, c. 190, repealed. Chapter 190 of the public laws of 1949, heretofore passed by this legislature, amending section 24 of chapter 57 of the revised statutes, is hereby repealed and shall not be printed as a part of the session laws of 1949.’

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

On motion by Mr. Dostie of Lewiston, the House voted to take from the table the 42nd tabled and unassigned matter, House Report "Leave to Withdraw" of the Committee on Judiciary on Bill "An Act Relating to Attachment of Wages" (H. P. 1719) (L. D. 1076), tabled on April 5th by that gentleman pending acceptance of report; and on further motion by the same gentleman the Bill was recommitted to the Committee on Judiciary and sent up for concurrence.

On motion by Miss Cormier of Rumford, the House voted to take from the table the 14th tabled and unassigned matter, House Divided Report of the Committee on Judiciary on Bill "An Act to Repeal the State Personnel Law" (H. P. 1720) (L. D. 1077) Majority Report "Ought not to pass" and Minority Report "Ought to pass", tabled on March 23rd by that gentlewoman pending acceptance of either report; and on further motion by the same gentlewoman the Bill and accompanying papers were retabled and specially assigned for Tuesday, April 19th, pending acceptance of either report.

On motion by Mr. Campbell of Guilford, the House voted to take from the table Item 38 on today's calendar, Majority Report of the Committee on Inland Fisheries and Game on Bill "An Act Relative to Fishing Contests" (H. P. 984) (L. D. 415) reporting same in a New Draft (H. P. 2058) (L. D. 1487) under title of "An Act Relating to Fishing Contests on Inland Waters" and that it "Ought to pass." Report was signed by the following members: Messrs. Bowker of Cumberland, Smart of Hancock, of the Senate. Wight of Bangor, Bearce of Caribou, Campbell of Guilford, Hill of Bingham, Hayward of Machias, Plummer of Lisbon, Carville of Stratton, of the House. Minority Report of the same Committee re-

porting "Ought not to pass" on the same Bill. Report was signed by the following member: Mr. Ela of Somerset, of the Senate, tabled by Mr. Campbell earlier in today's session, pending acceptance of either report.

The SPEAKER: The Chair recognizes that gentleman.

Mr. CAMPBELL: Mr. Speaker, I now move that the House accept the Majority Report of the Committee.

The SPEAKER: The gentleman from Guilford, Mr. Campbell, moves that on Bill "An Act Relative to Fishing Contests" (H. P. 984) (L. D. 415) the new draft being (H. P. 2058) (L. D. 1487) under title of "An Act Relating to Fishing Contests on Inland Waters" that the House do now accept the majority "Ought to pass" report of the committee. Is this the pleasure of the House?

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

Mr. PLUMMER: Mr. Speaker, for the purpose of possibly introducing an amendment, I move that the matter be retabled and specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Lisbon, Mr. Plummer, moves that the Bill and accompanying papers lie upon the table and be specially assigned for Friday morning, April 14th, pending the motion of the gentleman from Guilford, Mr. Campbell, that the House accept the majority report. Is this the pleasure of the House?

The motion prevailed and the two reports, with accompanying papers, so tabled and so assigned.

On motion by Mr. Gauthier of Sanford, the House voted to take from the table the 61st tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Public Health on Bill "An Act Relating to Barbering, Hair-dressing and Beauty Culture" (H. P. 1525) (L. D. 876) tabled on April 7th by that gentleman pending acceptance of report; and on further motion by the same gentleman, the "Ought not to pass" report of the

committee was accepted and sent up for concurrence.

On motion by Mr. Johnston of Jefferson, the House voted to take from the table the 71st tabled and unassigned matter, Bill "An Act Relating to Wild Bees" (H. P. 1025) (L. D. 457) tabled by that gentleman on April 8th, pending motion of Mr. Hayward of Machias to indefinitely postpone.

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

Mr. HAYWARD: Mr. Speaker, at this time I would like to withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Machias, Mr. Hayward, withdraws his motion that the Bill be indefinitely postponed.

Thereupon the Bill was tomorrow assigned for third reading.

On motion by Mr. Bird of Rockland, the House voted to take from the table the 11th tabled and unassigned matter, Bill "An Act relating to Qualification for Liquor Licenses" (S. P. 450) (L. D. 798) tabled on March 16th by that gentleman pending passage to be enacted.

On motion by the same gentleman, under suspension of the rules, the House voted to reconsider its action of March 10th whereby the Bill was passed to be engrossed.

The same gentleman then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 450, L. D. 798, Bill "An Act Relating to Qualification for Liquor Licenses"

Amend said Bill by inserting before the period at the end of that part of the Bill designated Sec. 22-E, the following underlined words:

' provided however, a license may issue to any person deemed not to be a violator under the provisions of revised statutes chapter 57 §60 sub-§ II paragraph I as amended.'

House Amendment "A" was

adopted and the Bill was passed to be engrossed in non-concurrence and sent up for concurrence.

On motion by Mr. Sharpe of Anson, the House voted to take from the table the 56th tabled and unassigned matter, House Divided Report of the Committee on State Lands and Forest Preservation on Bill "An Act Relating to Primary Wood-Using Portable Sawmills, Spark Arrestors and Timber Reports" (H. P. 1739) (L. D. 1093) Majority Report "Ought to pass" and Minority Report "Ought not to pass", tabled on April 7th by that gentleman pending acceptance of either report; and on further motion by the same gentleman both reports, with accompanying papers, were recommitted to the Committee on State Lands and Forest Preservation and sent up for concurrence.

On motion by Mr. Sharpe of Anson, the House voted to take from the table the 48th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Increase the Borrowing Capacity of the Town of Norridgewock School District" (H. P. 1934) (L. D. 1309) tabled on April 6th by that gentleman pending acceptance of report; and on further motion by the same gentleman the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. The Chair recognizes the gentleman from Portland, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker and Members of the House: I have a rather unusual request to make, and, in view of the lateness of our session, I will be very brief.

Earlier in the session, a bill amending the charter of the City of Portland relating to the powers of the tax assessors, was introduced and referred to the Committee on Legal Affairs. The final disposition of that bill was not determined un-

til yesterday in executive session. It was felt by the members of the committee that that particular matter was one of such general importance that it should be general legislation, and, in view of the fact it related to taxation, it should be heard by the Taxation Committee. We discussed the technique of handling this matter and it was suggested that the committee report out a redraft and refer it to the Taxation Committee. On second thought, however, we thought it would be better and more straightforward to introduce a new piece of legislation, advertise it, and kill the old bill off.

The matter has been discussed with the Chairman of the Taxation Committee and the Chairman of the Committee on Reference of Bills, and apparently they are accommodating and agreeable. Consequently, I would like to present a bill and move that it be received by unanimous consent.

The SPEAKER: The gentleman from Portland, Mr. Chapman, presents a Bill and requests unanimous consent for its introduction. The Clerk will read the title.

The CLERK: (reading) Bill "An Act Relating to Powers of Tax Assessors."

The SPEAKER: Is there objection to the reception of the Bill? The Chair hears none and the Bill has been received by unanimous consent.

On motion by Mr. Chapman, the Bill was referred to the Committee on Taxation, ordered printed, and sent up for concurrence.

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.

Before proceeding to adjourn, the Chair would like to remind the members that very, very important business is to come before the House tomorrow morning. Not only do we have a specially assigned matter of a major tax bill, but as the Chair stated this morning, we may have a Joint Convention to be addressed by the Governor, and it certainly behooves each one of us to be here on time in the morning.

On motion by Mr. Burgess of Limestone,

Adjourned until 9:30 A.M. tomorrow morning.