

# 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**

Tuesday, April 19, 1949

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

Prayer by the Rev. Mr. Brackley of Hallowell.

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 Claims reporting "Ought not to pass" on Resolve in Favor of Robert G. Spaulding, of Thomaston (S. P. 247)

Report of the Committee on Interior Waters reporting same on Resolve Relative to Changing the Name of Umsaskis Lake to Dow Lake (S. P. 350) (L. D. 576)

Report of same Committee reporting same on Bill "An Act Relating to Building and Maintaining Dams" (S. P. 518) (L. D. 1050)

Report of same Committee reporting same on Bill "An Act Relating to Dams as Nuisances" (S. P. 519) (L. D. 1049)

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

Report of same Committee reporting same on Bill "An Act Relating to Maintaining Water at Fixed Limits in Power Development" (S. P. 517) (L. D. 1048)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

**Ought to Pass in New Draft  
Tabled**

Report of the Committee on Legal Affairs on Bill "An Act Providing for a Standard of Electrical Installations" (S. P. 619) (L. D. 1336) reporting same in a new draft (S. P. 652) (L. D. 1451) 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.

(In the House, on motion by Mr. Gauthier of Sanford, tabled pending acceptance of Committee Report in concurrence.)

Report of the Committee on Public Utilities on Bill "An Act Pertaining to the Definition of a Contract Carrier" (S. P. 551) (L. D. 1176) reporting same in a new draft (S. P. 659) (L. D. 1479) 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.

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

**Tabled**

Report of the Committee on Ways and Bridges on Bill "An Act Relating to Road Equipment on Private Ways" (S. P. 330) (L. D. 518) reporting same in a new draft (S. P. 660) (L. D. 1480) 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.

(In the House, on motion by Mr. McGlaflin of Portland, tabled pending acceptance of Committee Report.)

**Ought to Pass with Committee  
Amendment**

Report of the Committee on Agriculture on Bill "An Act Relating to the Sales and Marketing of Eggs" (S. P. 374) (L. D. 640) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

**COMMITTEE AMENDMENT "A"**  
to S. P. 374, L. D. 640, Bill "An Act Relating to the Sales and Marketing of Eggs."

Amend said Bill by striking out all of section 5 thereof.

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

#### **House Reports of Committees Leave to Withdraw**

Mr. Dorsey from the Committee on Agriculture on Bill "An Act Imposing a Tax on Apples for Promoting the Use of Maine Apples and Apple Products" (H. P. 1107) (L. D. 533) reported leave to withdraw.

Same gentleman from same Committee reported same on Bill "An Act Repealing the Law Relating to Milk Control" (H. P. 1337) (L. D. 694)

Same gentleman from same Committee reported same on Bill "An Act Defining Domestic Animals in the Slaughterhouse Law" (H. P. 1269) (L. D. 653)

Reports were read and accepted and sent up for concurrence.

#### **Tabled**

Mr. Hall from the Committee on Claims reported same on Resolve in Favor of Wallace McQuarrie, of Millinocket (H. P. 263) as covered by other legislation.

(On motion by Mr. Gates of Millinocket, tabled pending acceptance of Committee Report)

Mr. Leavitt from the Committee on Mercantile Affairs and Insurance reported leave to withdraw on Bill "An Act Relating to National Codes in Fire Prevention" (H. P. 1404) (L. D. 764) as covered by other legislation.

Mr. Webber from the Committee on State Lands and Forest Preservation reported same on Bill "An Act Creating the Office of Fire Service" (H. P. 13) (L. D. 3)

Reports were read and accepted and sent up for concurrence.

#### **Ought Not to Pass Tabled**

Mr. Boothby from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act Limiting Milk Control to Producers" (H. P. 1960) (L. D. 1345)

(On motion by Mr. Wight of Bangor, tabled pending acceptance of Committee Report)

Mr. Dorsey from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act Relating to Veterinary Surgery" (H. P. 1270) (L. D. 670)

Mr. DeSanctis from the Committee on Claims reported same on Resolve in Favor of William Burgess, of New Sharon (H. P. 1565)

Same gentleman from same Committee reported same on Resolve in Favor of Walter Pottle of Mattapan, Massachusetts (H. P. 566)

Same gentleman from same Committee reported same on Resolve in Favor of Austin A. Towle of Wintertport (H. P. 232)

Reports were read and accepted and sent up for concurrence.

#### **Tabled**

Mr. DeSanctis from the Committee on Claims reported "Ought not to pass" on Resolve in Favor of George P. Duffy of Benedicta (H. P. 1592)

(On motion by Miss Longstaff of Crystal, tabled pending acceptance of Committee Report)

Mr. DeSanctis from the Committee on Claims reported "Ought not to pass" on Resolve in Favor of Wyman & Simpson, Inc. of Augusta (H. P. 1028) (L. D. 460)

Mr. Gray from same Committee reported same on Resolve in Favor of Mary E. Mayo of Milo (H. P. 342)

Same gentleman from same Committee reported same on Resolve in Favor of Rene LeCroix of Biddeford (H. P. 1277)

Same gentleman from same Committee reported same on Resolve in Favor of the George Green Estate (H. P. 1365) (L. D. 718)

Reports were read and accepted and sent up for concurrence.

**Tabled**

Mr. Gray from the Committee on Claims reported "Ought not to pass" on Resolve in Favor of Lawrence Thibodeau of Rumford (H. P. 1768)

(On motion by Miss Cormier of Rumford, tabled pending acceptance of Committee Report)

Mr. Gray from the Committee on Claims reported "Ought not to pass" on Resolve in Favor of the Bath Water District (H. P. 727) (L. D. 283)

Same gentleman from same Committee reported same on Resolve in Favor of Cassius H. Bridges, of Meddybemps (H. P. 332)

Same gentleman from same Committee reported same on Resolve in Favor of Frederick Farnsworth of Rockland (H. P. 1273)

Reports were read and accepted and sent up for concurrence.

**Tabled**

Mr. Gray from the Committee on Claims reported "Ought not to pass" on Resolve in Favor of the city of Biddeford (H. P. 894) (L. D. 365)

(On motion by Mr. Gauthier of Sanford, tabled pending acceptance of Committee Report)

Mr. Knapp from the Committee on Claims reported "Ought not to pass" on Resolve in Favor of James E. Irish & Son, of Hartford (H. P. 1455)

Same gentleman from same Committee reported same on Resolve in Favor of Peter T. Benson, of Seawall, Manset (H. P. 911)

Mr. Laughton from same Committee reported same on Resolve in Favor of Gordon Millett of Wilton (H. P. 979)

Same gentleman from same Committee reported same on Resolve in Favor of Fred Foy of Montville (H. P. 903)

Mr. Martin from same Committee reported same on Resolve in

Favor of Mildred G. Clarke of Cooper (H. P. 1370)

Mr. McGlauffin from the Committee on Judiciary reported same on Resolve Proposing an Amendment to the Constitution Empowering the Legislature to Authorize Municipalities to Create Indebtedness in Excess of the Present limitation on Municipal Indebtedness (H. P. 1569) (L. D. 883)

Mr. Atherton from the Committee on Legal Affairs reported same on Bill "An Act to Open Meetings of Government of City of Lewiston" (H. P. 997) (L. D. 428)

Reports were read and accepted and sent up for concurrence.

**Tabled**

Mr. Campbell from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Incorporate the Topsham School District" (H. P. 1309) (L. D. 686) which was recommitted.

(On motion by Mr. Williams of Topsham, tabled pending acceptance of Committee Report)

Mr. Campbell from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Incorporate the Town of Bay Point" (H. P. 1174) (L. D. 621)

Mr. Paine from same Committee reported same on Bill "An Act Relating to Vacancies of Aldermen of the City of Lewiston" (H. P. 998) (L. D. 429)

Mr. Carter from the Committee on Taxation reported same on Bill "An Act Relating to Inheritance Taxes" (H. P. 1974) (L. D. 1356)

Mr. Brown from the Committee on Ways and Bridges reported same on Resolve to Continue Construction of International Highway (H. P. 1921) (L. D. 1283)

Same gentleman from same Committee reported same on Resolve in Favor of the town of Limestone (H. P. 607)

Mr. Lackee from same Committee reported same on Resolve in Favor of the County of Franklin (H. P. 1860) (L. D. 1197)

Mr. McKean from same Committee reported same on Bill "An Act to Facilitate the Construction and Operation of Additional Sections of the Maine Turnpike" (H. P. 1327) (L. D. 692)

Mr. Robbins from same Committee reported same on Resolve in Favor of the town of Machiasport (H. P. 1010)

Mr. Spear from same Committee reported same on Resolve Providing Funds to Repair a Portion of U. S. Highway Number One in Aroostook County (H. P. 1555) (L. D. 873)

Reports were read and accepted and sent up for concurrence.

#### Tabled

Mr. Spear from the Committee on Ways and Bridges reported "Ought not to pass" on Bill "An Act Relating to Signs Designating U. S. Highway No. 1 and Maine Turnpike" (H. P. 1753) (L. D. 1097)

(On motion by Miss Cormier of Rumford, tabled pending acceptance of Committee Report)

Mr. Chase from the Committee on Welfare reported "Ought not to pass" on Bill "An Act Relating to Applications for Old Age Assistance" (H. P. 1078) (L. D. 483)

Mr. Lackee from same Committee reported same on Bill "An Act Relating to Chiropractic Services under the Aid to Dependent Children and Dependents of Veterans' Law" (H. P. 1755) (L. D. 1128)

Same gentleman from same Committee reported same on Bill "An Act Relating to Requirements for Old Age Assistance" (H. P. 1820) (L. D. 1136)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft Tabled

Mr. Hanson from the Committee on Sea and Shore Fisheries on Resolve Relating to the Use of Purse, Drag or Stop Seines in Damariscotta River (H. P. 1321) (L. D. 690) reported same in a new draft (H.

P. 2072) (L. D. 1524) under same title and that it "Ought to pass"

(On motion by Mr. Johnston of Jefferson, tabled pending acceptance of Committee Report)

#### Ought to Pass with Committee Amendment

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Searsport School District" (H. P. 1171) (L. D. 627) which was re-committed, reported "Ought to pass" as amended by Committee Amendments "A" and "B" 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. 1171, L. D. 627, Bill "An Act to Incorporate the Town of Searsport School District."

Amend said Bill by adding after section 6 thereof the following additional section:

'Sec. 7. **Authority to receive property from the town of Searsport.** The said district is hereby authorized to receive from the town of Searsport and the said town is hereby authorized to transfer and convey to the said district any property, real, personal or mixed, now or hereafter owned or held by the said town for school purposes, and any sums of money or other assets which the said town has raised or may raise, either by taxation, borrowing or otherwise, for school purposes. Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of said town shall be duly authorized to do so by a majority vote of the legal voters present at any annual meeting of said town or any special meeting thereof called for the purpose.'

Further amend said Bill by re-numbering "Sec. 7" to read 'Sec. 8.'

Thereupon, the House voted to adopt Committee Amendment "A".

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

**COMMITTEE AMENDMENT "B"** to H. P. 1171, L. D. 627, Bill "An Act to Incorporate the Town of Searsport School District."

Amend said Bill by striking out in the 3rd line of Sec. 3 thereof the figure "\$50,000" and inserting in place thereof the figure '\$65,000'.

Further amend said Bill by inserting after the word "meeting" in the last line of Sec. 7 thereof the following:

"; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next gubernatorial election'

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

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of South Thomaston School District" (H. P. 486) (L. D. 161) which was recommitted, reported "Ought to pass" as amended by Committee Amendments "A" and "B" 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. 486, L. D. 161, Bill "An Act to Incorporate the Town of South Thomaston School District."

Amend said Bill by adding in the 4th line of section 4 thereof after the word "notes" the words 'of the district'.

Further amend said Bill by striking from the 5th line of section 9 thereof the words "2 years" and inserting in place thereof the words '4 months'.

Thereupon, Committee Amendment "A" was adopted.

The Clerk then read Committee Amendment "B" as follows:

**COMMITTEE AMENDMENT "B"** to H. P. 486, L. D. 161, Bill "An Act to Incorporate the Town of South Thomaston School District."

Amend said Bill by striking out in the 5th line of Sec. 4 thereof the figures "\$40,000" and inserting in place thereof the figures '\$30,000'.

Further amend said Bill by inserting after the word "meeting" in the 3rd from the last line of Sec. 9 thereof the following '; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next gubernatorial election'

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

Mr. Marble from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Masardis School District" (H. P. 1875) (L. D. 1253) 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. 1875, L. D. 1253, Bill "An Act to Incorporate the Town of Masardis School District."

Amend said Bill by striking out in the 8th line of Sec. 3 thereof the word "annually" and inserting in place thereof the word 'semi-annually'

Further amend said Bill by inserting after the last word in Sec. 8 thereof the following:

"; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next gubernatorial election'

Committee Amendment "A" was adopted and the Bill was assigned

for third reading tomorrow morning.

Mr. Marble from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Winthrop School District" (H. P. 1258) (L. D. 559) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" and "B" 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. 1258, L. D. 559, Bill "An Act to Incorporate the Town of Winthrop School District."

Amend said Bill by striking out in the first line of section 5 thereof after the word "In" the word "any".

Further amend said Bill by inserting in the 23rd line of section 9 thereof before the word "Winthrop" the words "Town of".

Committee Amendment "A" was adopted.

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

**COMMITTEE AMENDMENT "B"**  
to H. P. 1258, L. D. 559, Bill "An Act to Incorporate the Town of Winthrop School District."

Amend said Bill by striking out in the 6th line of Sec. 4 thereof the figure "\$300,000" and inserting in place thereof the figure '\$250,000'.

Further amend said Bill by inserting after the word "meeting" in the 4th from the last line of Sec. 9 thereof the following: '; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next gubernatorial election'

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

Mr. Marble from the Committee on Legal Affairs on Bill "An Act

to Create the Orland School District" (H. P. 59) (L. D. 22) and new draft of same (H. P. 1712) (L. D. 1014) under the title of "An Act to Create the Town of Orland School District", which were recommitted, reported that the new draft "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. 1712, L. D. 1014, Bill "An Act to Create the Town of Orland School District."

Amend said Bill by striking out in the 5th line of Sec. 4 thereof the figure "\$70,000" and inserting in place thereof the figure '\$40,000'.

Further amend said Bill by inserting after the word "election" in the 3rd from the last line of Sec. 9 thereof the following:

'; provided that 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 in said town at the next gubernatorial election'

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

#### Tabled

Mr. Marble from the Committee on Legal Affairs Bill "An Act to Incorporate the Town of Dexter School District" (H. P. 1052) (L. D. 468), which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" and "B"

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. 1052, L. D. 468, Bill "An



Act to Incorporate the Town of Dexter School District."

Amend said Bill by inserting in the 2nd line of section 1 thereof after the word "inhabitants" the word 'of'.

Further amend said Bill by striking out the 1st sentence of section 4 thereof and inserting in place thereof the following:

"To procure funds for the purpose of this act and for such other expenses as may be necessary to carry out said purposes, the said trustees are hereby authorized from time to time to borrow such sums of money as shall be fixed at an annual meeting of the town of Dexter or a special meeting thereof called and held for the purpose, and to issue bonds and notes of the district therefor, but shall not incur a total indebtedness exceeding the sum of \$500,000."

(On motion by Mr. Campbell of Garland, the Bill, with accompanying papers, was tabled pending the adoption of Committee Amendment "A".

#### Passed to be Engrossed

Bill "An Act Relating to the Salary of the Clerk of Courts of Knox County" (S. P. 178) (L. D. 236)

Bill "An Act Relating to Clerk Hire in County Offices in Somerset County" (S. P. 317) (L. D. 510)

Bill "An Act Relating to State Aid for Academies" (S. P. 345) (L. D. 571)

Bill "An Act Relating to Pensions for Officers and Employees of Domestic Insurance Companies" (S. P. 582) (L. D. 1250)

Bill "An Act Amending the Atlantic States Marine Fisheries Compact" (S. P. 634) (L. D. 1391)

Bill "An Act Relating to Notice to State Highway Commission in Re Highway Changes" (H. P. 1893) (L. D. 1221)

Bill "An Act Crediting Certain Fees to the General Highway Fund" (H. P. 1894) (L. D. 1222)

Bill "An Act Relative to the Construction of Pole and Wire Lines Upon and Along State Aid Highways" (H. P. 2049) (L. D. 1475)

Bill "An Act Regulating Boats for Hire on Inland Waters" (H. P. 2065) (L. D. 1501)

Bill "An Act Permitting Continuance of Service of State Employees Reaching Seventy Years of Age" (H. P. 2067) (L. D. 1499)

Bill "An Act to Repeal the Charter of the Bay Point Village Corporation" (H. P. 2069) (L. D. 1505)

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

Bill "An Act to Incorporate the Town of Gorham School District" (H. P. 2070) (L. D. 1506)

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

Mr. Campbell of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" was then read by the clerk as follows:

House Amendment "A" to H. P. 2070, L. D. 1506, Bill "An Act to Incorporate the Town of Gorham School District."

Amend said Bill by striking out in Sec. 9 the following:

"Provided that the total number of votes cast for or" and inserting in place thereof the following:

'provided that the total number of votes cast for and'

Thereupon House Amendment "A" was adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

#### Passed to be Engrossed (cont'd)

Resolve in Favor of Madelyn Ames, of East Poland (H. P. 105) (L. D. 1514)

Resolve in Favor of Caswell Plantation (H. P. 334) (L. D. 1510)

Resolve in Favor of Caswell Plantation (H. P. 541) (L. D. 1517)

Resolve in Favor of the Town of Chelsea (H. P. 542) (L. D. 1519)

Bill "An Act Providing for Bridges and Culverts on Certain Roads" (H. P. 606) (L. D. 187)

Resolve in Favor of Herman I. Ham of Madison (H. P. 636) (L. D. 1513)

Resolve in Favor of Prentiss Plantation (H. P. 733) (L. D. 1515)

Resolve in Favor of Leslie W. Jones of West Minot (H. P. 1282) (L. D. 1511)

Bill "An Act Relative to Restricting the Use of Power Boats on Portage Lake in the County of Aroostook" (H. P. 1299) (L. D. 681)

Resolve to Reimburse the Town of Jefferson (H. P. 1453) (L. D. 1512)

Resolve in Favor of Edward D. McKeon of Kennebec (H. P. 1463) (L. D. 1516)

Resolve in Favor of the Town of Dedham (H. P. 1467) (L. D. 1518)

Bill "An Act Relating to Participation of Employees of the City of Lewiston in a Contributory Employees' Retirement System" (H. P. 1646) (L. D. 998)

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 and Resolves

Bill "An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey" (S. P. 235) (L. D. 349)

Bill "An Act Relating to the Salary of the Judge of Western Somerset Municipal Court" (S. P. 316) (L. D. 509)

Bill "An Act Relating to Investments of Savings Banks in Certain Mortgages" (S. P. 398) (L. D. 736)

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

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

Bill "An Act Eliminating Special Primary Elections in Certain Cases" (S. P. 539) (L. D. 1102)

Bill "An Act Relating to Fire Escapes on Buildings" (S. P. 578) (L. D. 1241)

Bill "An Act to Create the Waterville Sewerage District" (S. P. 584) (L. D. 1258)

Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs" (S. P. 640) (L. D. 1411)

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

#### Tabled

Bill "An Act to Incorporate the Town of Otisfield School District" (H. P. 1169) (L. D. 625)

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

(On motion by Mr. Campbell of Augusta, tabled pending passage to be engrossed.)

Bill "An Act Permitting the Building of a Wharf for Seaplane Landing at the Southerly End of Portage Lake" (H. P. 1696) (L. D. 1019)

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 Incorporate the City of Westbrook School District" (H. P. 1758) (L. D. 1030)

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

(On motion by Mr. Campbell of Augusta, tabled pending passage to be engrossed.)

Bill "An Act Amending the Charter of the City of Calais" (H. P. 1840) (L. D. 1199)

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 Incorporate the Town of Sidney School District" (H. P. 1877) (L. D. 1255)

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

(On motion by Mr. Campbell of Augusta, tabled pending passage to be engrossed.)

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**Tabled**

Bill "An Act to Incorporate the Town of Machias School District" (H. P. 1900) (L. D. 1225)

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

(On motion by Mr. Campbell of Augusta, tabled pending passage to be engrossed.)

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

Bill "An Act Relating to Quantity in Purchasing Herring" (H. P. 1990) (L. D. 1372)

Bill "An Act Relating to Pensions for Members of the Police Department of the City of Lewiston" (H. P. 1998) (L. D. 1381)

Resolve in Favor of Harold E. Rogers of Brunswick (H. P. 550) (L. D. 1508)

Resolve in Favor of Kenneth H. Morse, of Gorham (H. P. 564) (L. D. 1507)

Resolve in Favor of Christopher Hilton, of Anson (H. P. 1454) (L. D. 1509)

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 as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act Relating to Rental for the Western Somerset Municipal Court" (H. P. 1161) (L. D. 613)

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

**Passed to be Enacted  
Emergency Measure**

An Act Amending An Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities (S. P. 654) (L. D. 1447)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, and on motion by Mr. McGlauffin of Portland, signed by the Speaker, was sent to the Senate.

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**Emergency Measure**

An Act Relating to the Packing of Sardines (H. P. 1536) (L. D. 811)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 130 voted in favor of same and none against, and accordingly the Bill was passed to be enacted and signed by the Speaker, and on motion by Mr. McGlauffin of Portland, was sent to the Senate.

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**Constitutional Amendment  
Finally Passed**

Resolve Proposing an Amendment to the Constitution to Empower the Legislature with the Consent of the People to Authorize the Issuance of State Bonds for any Purpose Stated in the Constitution (H. P. 1571) (L. D. 885)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The **SPEAKER**: The Chair, at this time, notes in the balcony of the Hall of the House, the presence of a group of Cub Scouts from Waterville. Mrs. Gilbert Loebbs, Mrs. Clyde Kitchen and Mrs. Charles Gaunce are in charge.

On behalf of the House, we bid you welcome. (Applause)

#### Passed to be Enacted

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

An Act Regulating Industrial Homework (S. P. 190) (L. D. 243)

An Act Relating to an Institutional Farm Supervisor (S. P. 219) (L. D. 339)

An Act Regulating the Taking of Alewives in St. George River in the Town of Warren (S. P. 251) (L. D. 357)

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

An Act Creating a State Commission of Nursing Attendant Education (S. P. 269) (L. D. 442)

An Act Relating to Pasteurized Milk (S. P. 333) (L. D. 564)

An Act Defining Homogenized Milk (S. P. 334) (L. D. 565)

An Act Relating to Pension for Chief of Police of City of Lewiston (S. P. 355) (L. D. 563)

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)

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

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

An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945 and 1947 (S. P. 611) (L. D. 1319)

An Act Relating to School Attendance (S. P. 647) (L. D. 1429)

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

#### Tabled

An Act Relative to Sale of Wild Hares and Rabbits (H. P. 353) (L. D. 118)

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

(On motion by Mr. Maxwell of Wilton, tabled pending passage to be enacted.)

An Act Relating to Files and Records in the Division of Veterans' Affairs (H. P. 583) (L. D. 181)

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

#### Placed on Special Calendar

An Act Relating to the Salary of the Commissioner of Labor and Industry (H. P. 600) (L. D. 183)

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

(On motion by Mr. Brown of Unity, that gentleman being a member of the Committee on Appropriations and Financial Affairs, placed on Special Calendar.)

An Act Relating to Lobster Licenses (H. P. 720) (L. D. 262)

An Act Imposing an Assessment of One Cent Per Hundredweight on Milk for Advertising and Research of the Milk Industry (H. P. 972) (L. D. 414)

An Act Relating to Meat of Calves Less Than Four Weeks Old (H. P. 1109) (L. D. 535)

An Act Repealing Law Relating to Taking of Herring (H. P. 1197) (L. D. 591)

An Act Relating to the Digging of Clams in the Town of Isle au Haut (H. P. 1198) (L. D. 592)

An Act Relating to the Definition of the Term "Sardine" (H. P. 1349) (L. D. 699)

An Act Relating to the Taking of Clams in Scarboro (H. P. 1421) (L. D. 769)

An Act Relating to Records of Persons Buying or Selling Dogs (H. P. 1442) (L. D. 833)

An Act Relative to Powers of Coastal Wardens as Inland Fish and Game Wardens (H. P. 1537) (L. D. 866)

An Act Relating to Deposits in a Fiduciary's Personal Account (H. P. 1574) (L. D. 897)

An Act Relating to the Examination of Applicants for the Practice of Chiropractic (H. P. 1582) (L. D. 904)

An Act Relating to Notice in the Small Claims Law (H. P. 1633) (L. D. 986)

An Act to Provide a Town Manager Form of Government for the Town of Bar Harbor (H. P. 1644) (L. D. 999)

An Act Relating to the Taking of Smelts from Cobscook River, Cobscook Bay, Orange River, Denny's River and Their Tributaries (H. P. 1665) (L. D. 973)

An Act Regulating the Digging of Clams for Commercial Purposes in the Town of Roque Bluffs, Washington County (H. P. 1666) (L. D. 974)

An Act Relating to the Digging of Clams, Quahogs and Worms in the Town of West Bath (H. P. 1667) (L. D. 975)

An Act Regulating the Digging of Clams in the Town of Southport, Lincoln County (H. P. 1706) (L. D. 1026)

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

#### Tabled

An Act Permitting the Digging of Clams in Kennebunk River and Its Tributaries for Bait Only (H. P. 1800) (L. D. 1142)

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

(On motion by Mr. Littlefield of Kennebunk, tabled pending passage to be enacted.)

An Act Relating to Teaching in the Public Schools the Importance of Voting and the Privileges and Responsibilities of Citizenship (H. P. 1870) (L. D. 1210)

An Act to Incorporate the Boothbay Harbor Sewer District (H. P. 1913) (L. D. 1275)

An Act to Incorporate the Boothbay Harbor Water and Sewer District (H. P. 1914) (L. D. 1276)

An Act to Incorporate the Lincoln Water District (H. P. 1929) (L. D. 1288)

An Act Relating to the Sale or Packing of Herring (H. P. 2033) (L. D. 1440)

#### Finally Passed

Resolve Granting a Pension to Ethel S. Dick, of Gardiner (S. P. 36) (L. D. 1432)

Resolve in Favor of Merlin C. Joy, of Clinton (S. P. 139) (L. D. 1433)

Resolve in Favor of Milton A. Philbrook, of Westbrook (S. P. 140) (L. D. 1435)

Resolve in Favor of Ralph L. Hunt of Thomaston (S. P. 141) (L. D. 1434)

Resolve in Favor of Atlantic Sea Run Salmon Commission (S. P. 322) (L. D. 939)

Resolve in Favor of Frank F. McGinley of Eddington (S. P. 632) (L. D. 1436)

Resolve in Favor of Mabelle K. Toole, of Bangor (S. P. 646) (L. D. 1430)

Resolve in Favor of Caswell Plantation (H. P. 197) (L. D. 1462)

Resolve in Favor of Cyr Plantation (H. P. 200) (L. D. 1461)

Resolve in Favor of Hamlin Plantation (H. P. 202) (L. D. 1459)

Resolve in Favor of the Town of Limestone (H. P. 205) (L. D. 1460)

Resolve in Favor of the Town of New Portland (H. P. 400) (L. D. 1441)

Resolve in Favor of the Town of Guilford (H. P. 507) (L. D. 1458)

Resolve in Favor of the Town of Woodland (H. P. 533) (L. D. 1457)

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

#### Placed On Special Calendar

Resolve Providing for Certain Repairs and Construction at the Bangor State Hospital (H. P. 630) (L. D. 1443)

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

(On motion by Mr. Brown of Unity, he being a member of the Committee on Appropriations and Financial Affairs, placed on Special Calendar)

Resolve Granting a Pension to Grace Merrill Cutts, of Saco (H. P. 848) (L. D. 1425)

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

Resolve Regulating Fishing in Hancock Pond in the County of Oxford (H. P. 990) (L. D. 421)

Resolve Providing for a Pension for Harvard L. Copp of Trenton (H. P. 1416) (L. D. 1426)

Resolve in Favor of the Town of Athens (H. P. 1815) (L. D. 1445)

Resolve in Favor of Mrs. Josephine Scribner of Newport (H. P. 1883) (L. D. 1428)

Resolve in Favor of Alfred M. Joyce of Brooklin (H. P. 2022) (L. D. 1446)

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

#### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the 1st tabled and today assigned matter, House Divided Report of the Committee on Legal Affairs on Bill "An Act Relating to Sale and Use of Fireworks" (H. P. 135) (L. D. 41) Majority Report "Ought not to pass", Minority Report "Ought to pass" as amended by Committee Amendment "A" tabled on April 12 by the gentleman from Rockland, Mr. Bird, pending acceptance of either report.

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

Mr. BIRD: Mr. Speaker and Members of the House: This bill calls for a total ban on the sale and use of fireworks except for public display. My sole interest in intro-

ducing this legislation was to try to correct an intolerable situation that seems to take place in this State every Fourth of July. The individual towns have tried to regulate the sale and use of fireworks while the adjoining towns have no regulations and, therefore, the efforts of towns with regulations are pretty much nullified.

I know you are all familiar with the disastrous results in some communities in the State this past season. There were thousands of small incidents which none of us read about which happened to different children and grownups who tried to walk on our public streets and were accosted by, usually, adults, throwing torpedoes and fire crackers and I know of some very close accidents which occurred and many of them could have been tragic and very unnecessary.

I have become convinced as word of this bill has gone about the State during this session that the majority of the people of the State of Maine do want some control such as this so that they can have some peace and quiet at that time of year.

In looking over the opponents of the bill, the first are the retailers, who do sell some of these fireworks every Fourth of July. I have talked with several of them and their principal concern is that they now have on hand an inventory on which they fear to take a loss. This bill does not go into effect until August so they will have a chance to get rid of their inventories. The wholesalers, as far as I can see, will continue in business selling to towns, cities and various organizations which want to put on public displays. The manufacturers of fireworks point to a loss of a \$500,000 business to the State of Maine if this law is passed. Now, I can't believe that the loss would be that great if we had public displays and I have been informed by a gentleman who deals in fireworks wholesale that when a public display is set off the price and grade of the fireworks used are much better and therefore the profits are larger on such pieces as that.

Certainly, it seems to me that whatever loss of business there was would not compensate for the loss of an eye to one of us or one of the members of our family. During the hearing on this bill, a fireworks expert who, I believe, was the Secretary of the National Fireworks Association, stated that in their experience in states which had banned fireworks there could be no compromise with the total ban of fireworks. If you ban fireworks totally, then you have control. Any regulations short of a total ban simply lead to violations.

Now, in the case of our own State, we put a limitation on the size of the firecracker: In 1943, they dropped the size from six inches down to two inches and any firecrackers that I have seen, the two inch size, would appear to be about five times as powerful as those six inch salutes formerly were. Now, there are other opponents of this bill, who wave the flag of tradition and will say that boys will be boys. I am sure that you will agree with me that Independence Day should be a day for rejoicing and cheer rather than a day of sorrow and tragedy as it is to many communities in our State.

Therefore, Mr. Speaker, I move that we accept the minority "Ought to pass" report of the committee.

The SPEAKER: The question before the House is upon the motion of the gentleman from Rockland, Mr. Bird, that the House accept the minority "Ought to pass" report of the committee.

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

Mr. SHARPE: Mr. Speaker and Members of the House: In opposing this bill, the gentleman's motion to accept the minority report, I make no attempt whatever to minimize the proponent's claim that the improper use of fireworks is a nuisance. What I intend to point out is the inconsistency of the principle motivating support of a move to prohibit the sale and use of fireworks. It is inconsistent and it is improper to want to banish a thing merely because that thing is not

always made use of in a commendable and sensible manner. If such a procedure were appropriate, then this body should go along with a bill which would re-establish prohibition in Maine, because it is conceded by all concerned that liquor is very frequently made use of in most inappropriate ways and that in many instances it constitutes a basis of nuisance and if certain restrictions were not in effect to moderate the sale and use of liquor the traffic would surely become a public nuisance which people should not and would not tolerate.

Now, here before us is a bill to prohibit the manufacture and sale and use of fireworks in Maine and while the proponents of this bill use the personal injury and property damage angle as arguments against fireworks I know and I believe you know that they greatly exaggerate that angle.

This bill stems from the grievances of people who have, at some time or another, been annoyed by the noise young folks made with fireworks. The possibility of somebody getting hurt or damage being done to property had nothing to do with the first objection that was made to fireworks. Somebody just didn't like the noise. They had reached the sober age of intolerance and they had forgotten when and in what manner they had celebrated American Independence. They said they did not like the noise appropriate to the celebration of American Independence and they said there should be a law against it. So they seek a remedy by asking this Legislature to outlaw fireworks. No matter to them how many people there may be in Maine who do not want to be deprived of them; people who want to shoot them off in a spirit of patriotism; people like myself who may not want to be deprived of the privilege of buying a few fireworks and taking them home to shoot off for my own patriotic expression and for my own pleasure and the pleasure of my own kids and my neighbors' kids.

Now, getting back to the nuisance angle, I know that the promiscuous and mischievous and sometimes malicious use of fireworks is a nuisance. But, asking this Legislature to banish them from the State is not the proper approach to the elimination of that nuisance. The laws already exist that will prevent the improper use of fireworks, if such laws are properly enforced by local authorities. Each municipality in this State has jurisdiction to pass such ordinances as are appropriate and adequate to put a stop to any nuisance whether it be fireworks, dynamite, shot guns, riots, or any other kind of disturbance.

A freight train frequently goes by my house in the nighttime within about 100 feet of the house and the engineer, once he starts pulling the whistle cord, seems to get muscle-bound and doesn't know when to let go. I know he blows the whistle a great deal louder and longer than there is any necessity for and it disturbs me and it disturbs my neighbors. We have not, as yet, become aggrieved to the point of making any orderly complaint, but to us it is a nuisance and if we ever reach a point of trying to stop it, we certainly will not try to get the Legislature to banish railroads from Maine.

My understanding of the principles of Americanism is that the people of the United States shall not be unduly deprived of their rights and liberties. In simple language, it means that we live and let live. It seems to me that under our Constitution if I want to laugh while the other fellow cries or if he wants to laugh while I cry, we both are within our rights. I don't believe it is right nor do I believe that the man who designed our Constitution considered it to be right that one group should set up a rule restricting the behaviour of another group so long as the other group's behaviour was not in conflict with moral or ethical principles. If ketchup and mustard are detrimental to the health of Tom, I can't see why that gives Tom any justification for pass-

ing a law that Jim can't eat mustard and ketchup.

If there are some in this State who don't want to play with fireworks or don't want their children playing with fireworks, then they don't have to play with fireworks and they can, if they are intelligent people, prevent their children from playing with them. But, if I want to play with fireworks and am willing that my children play with them then I recognize no justification for anyone's saying I can't or saying that my children can't. I do, however, recognize everybody's right to say that I can not make a public nuisance of myself or that my children can not indulge in malicious mischief.

Speaking of maliciousness, there is nothing more malicious than a law which unduly and unnecessarily imposes restrictions upon the conduct of people and this bill, if it is passed, would be just that kind of a law. I know of nothing more important to America than our independence. I know of nothing more appropriate than the celebration of our independence and I can't think of anything more appropriate than celebrating that event by fire works. It is an American custom which signifies the patriotism of American people. In the past twenty years, the American people have deviated too far from the American customs and I hope that this House will not contribute to any un-Americanism by abolishing the Fourth of July.

I hope that the motion of the gentleman from Rockland, Mr. Bird, does not prevail.

The **SPEAKER**: The question before the House is upon the motion of the gentleman from Rockland, Mr. Bird, that the House do accept the "Ought to pass" report of the committee.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss **CORMIER**: Mr. Speaker and Members of the House: There is no other bill before the Legislature that has more interest to the people of my town than this bill, We, in Rum-



ford, have found that the Fourth of July is not a day of celebration but rather a day of unbridled rowdyism. Checking up on the sale of fireworks in my town, in the last year, we found that better than sixty percent of the fireworks sold in Rumford and vicinity were sold not to youngsters for the purpose of enjoying but rather to boys of working age, with perhaps a little too much drinking, have caused in Rumford accidents which have been of a very serious nature. For example, one fellow threw a firecracker into an \$800 fireworks display with the result that the entire building was damaged to the extent of \$18,000; two young children practically burned to death. The following day, another youngster, or rather another grown-up youngster, threw a firecracker into a room which contained oil drums. Four of our local firemen were very seriously injured and twenty-two people were without homes. That has been our experience in Rumford.

Elderly people walking along the street have been heard to scream when firecrackers were thrown at their heels. Traveling automobiles received firecrackers and, in the town of Rumford, we are convinced that something must be done. The town has placed a ban on fireworks and they are very anxious to see a State law, claiming that it will be more easily enforced if it is state wide. And, therefore, I am very happy this morning to go along with Mr. Bird on the acceptance of the minority report.

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

Mr. SPEAR: Mr. Speaker and Members of the House: I rise to support the minority report "Ought to pass" report. I suppose, in a way, I might be considered prejudiced as far as this matter is concerned. For a period of years, the Fourth of July has not been a day of celebration for me. It has been a day of consoling people who had children or friends who had suffered some injury or suffered some loss through

fireworks. Maybe these instances don't occur very often but I noticed after this bill was going to come up and after the time was set that the Portland Evening Express of April 5th carried this item here. It speaks about the suits which are to be brought up in the courts.

It says: "George H. Douglass sued Joseph Newcomb, both of Scarborough, for \$10,000, alleging that a firecracker thrown by Newcomb blew something into his left eye that resulted in loss of sight in that eye."

So, these things really can happen; I don't know how this came out, what the findings were. But this happened on the first of July. As I said, this celebration isn't only on the Fourth of July but goes on for days—for a week. It is very difficult for the police to control this matter with the local ordinance, the same as we have in South Portland. It is impractical and impossible for police officers to be running around for several days before the Fourth of July, arresting boys who are eight, nine or ten years old. I realize that there is a parental responsibility to take care of children but you talk of juvenile delinquency and the police officers think of it as parental delinquency. This is a practical matter and can be discussed in a practical way. I know the proponents of the bill pretty soon will bring up the remarks that automobiles kill people, why don't we do away with automobiles, also railroads, steamships, airplanes and even electricity kill people by accidents but I reckon our American social life is built around these other features, surely not built around fireworks, and I know that sooner or later someone will get up and start waving the American flag.

I served two years in World War I and four years in World War II with combat troops; put in twenty years in the National Guard and organized reserves and, it is probably with a certain amount of ego I speak of this, but I feel qualified to speak on patriotism too. I think I understand as much about that

and loyalty as the average citizen does. And, in my opinion, this adds no incentive to patriotism and loyalty. I know that the pressure group has been at work; they haven't contacted me but I know they have contacted others and I also feel that maybe the committee was influenced in its report by the fact that this is termed "prohibitory legislation." But, it has always been my opinion that when fifty-one per cent of the people vote for a certain thing that is what we are going to have—prohibition—and I have a feeling here that if my people in South Portland voted on this thing, at least eighty per cent of the people would vote in favor of this law. I am down here to do their wishes; I represent them; I am not going to let my own personal feelings influence me and even when I say eighty per cent of my people, I think I have underestimated it. I think you members will agree to yourselves that as you sit here. This isn't your own individual responsibility to vote on this, but it is your responsibility to do what the people wish you to do and I have yet to find a woman, particularly a mother, who is not in favor of this bill.

Maybe my city is an exception but I don't think so. Here I seem to be an average sort of a person and I think my people are average citizens. So, I just request that you give this serious consideration and I hope that the minority report "Ought to pass" will prevail.

The SPEAKER: The question before the House is upon the motion of the gentleman from Rockland, Mr. Bird, that the House do accept the "Ought to pass" report of the committee.

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

Mr. McCLURE: Mr. Speaker and Members of the House: If it were not for the fact that some of my dearest friends were vitally interested in opposition to this measure, I doubt if I would take any part in the discussion. We all have many

acquaintances but knowing how few friends one has, I oppose this bill on their behalf. The friends I represent range in age from toddlers to those of high school age and their wishes, I feel, should be taken into consideration because they are the taxpayers who will have to pay the lion's share of the billions of dollars we have already piled up in government.

I should like to read just a few of their letters of appeal. It so happens that in the City of Bath most of the children call me "Uncle Horace"; that denotes age, they say. Here is just one:

"Dear Uncle Horace: I am writing this letter because we want to have the Fourth of July alive with a lot of noise. (Signed) Beverly Austin" (who's age is 12.)

This is one from my own baby. "Dear Daddy. Vote so all us kids can have fireworks. (Signed) Heather."

"Representative J. Horace McClure, Representative of the Children of Maine, State House, Augusta, Maine. Dear Uncle Horace: Will you try and stop the State of Maine from stopping us from having a Fourth of July. Wait until we are able to vote until you take all our fun away. We all know you will help us. (Signed) Juliana Cummings, Youth School."

"Dear Uncle Horace: The children of today won't be able to celebrate the Fourth of July as you all did. Some of us were born during a depression, brought up during a war and we will have to solve the problems you are all dreaming up today. (Signed) Sally Cummings."

"Mr. Horace McClure, State Capital, Augusta, Me.

"Dear Uncle Horace,

"You were allowed to play with fireworks and so were the other grown-ups. Why can't we kids have fun with them, too? Please vote so we can have fireworks on the 4th of July. (Signed) Harold Sonia, Michael Sonia."

One more:

"Horace McClure, State House, Augusta

"Dear Uncle Horace: Please vote against the fireworks bill. Almost all us boys and girls in Bath want the same chance to celebrate we always have had. (Signed) Franklin Mac-Neil, Morse High School."

Perhaps we should outlaw the sale of fireworks to adults and allow our children, alone, to use them as they seem to use them with a great deal more judgment than our adults. The abuse, I think, and most accidents are caused by fire water rather than the use of fireworks.

I trust we will accept the majority report of the committee in honor of American independence and the children of the State of Maine. I thank you.

The **SPEAKER**: The Chair recognizes the gentleman from Calais, Mr. Hall.

Mr. **HALL**: Mr. Speaker, on November of last year, the City Council in Calais passed an ordinance prohibiting the use and sale of fireworks in Calais. So, in speaking in support of the minority report on this bill, I feel that I am speaking for the people of Calais.

We have heard something about the appropriate way of celebrating the Fourth of July. In 1939, I accepted a job in the South on the Gulf Coast; that was before the war when fireworks were on sale up here. The Fourth of July came around and I listened for fireworks but I didn't hear any so I inquired of one or two of the people with whom I got acquainted down there as to whether or not they didn't celebrate the Fourth of July with fireworks. They sort of looked at me as if it were another one of those fool ideas of one of those "damned Yankees" up north. But, I got up Christmas morning and I was amazed to hear fire crackers going off because down there they consider celebrating Christmas with fireworks and, to me, that was one of those foolish ideas of some of those Southerners.

So far as I have been able to find out from talking with those people down there, it never had entered their heads that the only way of celebrating the Fourth of July was with a lot of noise, fireworks and so forth. I think probably that idea—well, it's a matter of locality somewhat—certainly if a good section of the country is able to get along with a safe and sane Fourth of July, I believe we can. I believe a greater number of the towns and cities in Maine have already adopted this ordinance. I have had two calls this morning asking me to support it because the people in Calais felt that it would aid them if it was a state wide law rather than local option. For that reason, I support the minority report.

The **SPEAKER**: The question before the House is upon the motion of the gentleman from Rockland, Mr. Bird, that the House accept the minority "Ought to pass" report of the committee.

The Chair recognizes the gentleman from Caribou, Mr. Bearce.

Mr. **BEARCE**: Mr. Speaker and Members of this House: It is my understanding that all of the Chambers of Commerce of Aroostook County have gone on record in opposition to the sale of fireworks. I know that my own town has voted an ordinance against the sale of fireworks and I would just like to read a report of a survey made by the Chamber of Commerce of Caribou from our doctors.

"Dr. A, treated one patient in five years.

"Dr. B, twenty-four patients in two years.

"Dr. C, seventy-five patients in five years.

"Dr. D, one hundred patients in five years.

"Dr. F, ten patients in three years.

"Dr. G, twenty patients in two years."

Now, we know that some of those lost their sight. We know that some lost fingers on their hands and it just seems to me that the misery and suffering which is caused by this far exceeds the pleasure which

is derived from the sale of fireworks.

I hope the minority report is accepted.

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

Mr. **DOW**: Mr. Speaker and Members of the House: In 1941 and 1943, this same bill, or a similar one, came before this Legislature and, at that time, I opposed the bill, both in committee and here on the floor. Since that time, I have seen many instances of injuries from fireworks, two of them only last year, last July, in my own town.

I have a letter here from the father of one of those victims, who says he is very much interested in seeing the bill passed forbidding the sale of fireworks to the public. This injury was to a boy fifteen years old who started to light a fire cracker and it exploded in his hand before he could throw it; he lost part of one thumb, part of one finger and sustained a permanent injury to one eye.

At this time, I am very much in favor of the minority report on this bill. I believe that it ought to pass. Thank you.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Rockland, Mr. Bird, that the House accept the minority "Ought to pass" report of the committee.

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

Mr. **WILLIAMS**: Mr. Speaker and Members of the House: In 1943, as a member of this House, I voted against a bill similar to this one. I have had six years more in which to observe the effects of the indiscriminate use of fireworks and I am now heartily in favor of the bill and believe that the minority report should be accepted.

We have had some horrible examples in all of our cities. I would like to quote to you from the Lewiston Evening Journal of Monday, July 7, 1947, an editorial by Colonel Dexter:

"As was expected, the dreadful report of casualties during the long weekend holiday is growing. More than 525 persons died violent deaths in highway and celebration accidents. Maine with 10 was the highest in New England. Lewiston with more than 200 hurt by fireworks probably led the nation. Dubious distinctions for city and state."

That is the end of that particular part of the quotation. I recall that one of those boys lost the whole side of one hand, including two or three fingers and that there were several who had bad injuries to their faces.

Continuing the quotation from the editorial:

"Now is the time for the city councils of Lewiston and Auburn to get together on an identical ordinance restricting, if not banning the sale of fireworks next fourth of July. The list of injuries and damages to property is strong argument in favor of such a step. This is not something new or revolutionary. In some states, possession of fireworks is a misdemeanor and punishable by fine. Many cities have stopped the unrestricted sale of firecrackers. It should be done here. The next Legislature should take action.

"Mayor Louis P. Gagne of Lewiston with his usual initiative has decided to recommend an ordinance to abolish the sale of fireworks. Naturally, he hopes for cooperation from Auburn. It wouldn't be much use to act in one city as long as the two bridges hold out.

"The mayor also would have an old-fashioned 'gigantic' celebration sponsored by the city. This is worthy of consideration. It might be advisable to split the celebration into neighborhood sections like Goff Hill and West Auburn had this year.

"The mayor looks askance at the result of the celebration this year. Among other commendable traits of Lewiston's mayor, is capacity to make up his mind and then to act."

That is the end of the quotation.

I have made no attempt to find out how many cities and towns have banned the sale of fireworks but I know of some that have and, listen-

ing to the debate this morning, I have noted others: Portland, South Portland, Lewiston, Auburn, Augusta, Waterville, Bangor, Rumford, Calais, Caribou. That is only a part of the list but if you will look up the population of those municipalities, you will find it is quite a high percentage of the population of the State. Now I would like to bring you down to 1948, another editorial by the same writer in the same paper, July 6, 1948, headed "The Aftermath."

"The aftermath of July Fourth celebrations here as compared with a year ago is so marked that extended comment is unnecessary. Under a community plan that ended last night with a fireworks display that drew thousands to the Fair Grounds proper and almost as many more on vantage points nearby, there were practically no injuries, no damage by fire and no sad homes today.

"More communities will probably follow the lead of Auburn, Lewiston, and Portland in making the private display and sale of fireworks illegal."

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

Mr. SPEAR: Mr. Speaker, I request that when the vote is taken, it be taken by a division.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Fay.

Mrs. FAY: Mr. Speaker, I rise to support this measure and also to support the motion of the gentleman from Rockland, Mr. Bird, to accept the minority "Ought to pass" report.

I feel that fireworks are needless and often used carelessly. I would like to substantiate the following remarks made in reference to injuries from records from hospitals and cities that already have a ban. I have a letter from the Eastern Maine General Hospital which says: "The following is a brief summary of the accidents treated at this hospital last year which were the direct results of the use of fireworks." Then it starts in with injury on

"June 22nd—1 Case (Hand), June 29th—3 Cases (Hands), June 30th—1 Case (Hand)."

It goes on: "July 1st—1 case (chest, legs & face), July 2nd—2 cases (Hands), July 3rd—4 cases (Hands), July 4th—27 cases (Hands), 1 case (Abdomen & Wrist), 6 cases (Legs), 5 cases (face—chins, lips, eyes, cheeks), 1 case (hip), 2 cases (arms), 1 case (chest), July 5th—4 cases (Hands), 1 case (Eye), July 6th—1 case (Hand).

"The above shows a total of sixty-three cases, consisting mostly of varying degree burns. All of these patients, whose ages ranged from three to seventy-two, were treated with Anti-Tetanus Serum; some of them were hospitalized from one to five days. Their injuries were sometimes very minor—often very severe.

"Incidentally, this record has shown a definite decrease since the City of Bangor banned the local sale of fireworks. The large majority of such cases now come from outside communities.

"We have repeatedly asserted that a bill calling for the State-wide ban of fireworks would meet with our approval, and believe that such unnecessary accidents as those depicted in the above summary are sufficient justification to allow us to take such a stand."

That is from a hospital in a city that now has bans.

At the Maine General Hospital, the following numbers of people were treated for accidents and injuries involving the use of fireworks. On July 1st, 1; July 2nd, 6; July 3rd, 6; July 4th, 9; July 5th, 14. In the period of 48 hours, we have admitted 36 cases to the Maine General Hospital. These were cases that were admitted to the hospital and there were many other cases treated by private physicians, but with a total of 36 from the Maine General, I think that is a record that we need to consider. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Crystal, Miss Longstaff.

Miss LONGSTAFF: Mr. Speaker, there is just one thought that I would like to leave with the members of this House before the vote is taken. Much stress has been laid on the fact that the Fourth of July should be celebrated with noise. As I recall the situation a year ago, two weeks before the Fourth of July and a week afterwards were celebrated to the same extent as the Fourth of July. I, therefore, wish to go on record as favoring the minority "Ought to pass" report.

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

Mr. BROWN: Mr. Speaker and Members of the House: I also would like to support the minority report. There have probably been, without doubt, more people killed in Maine by the use of fireworks on the Fourth of July than were killed in Maine in the Revolutionary War. I do not believe it was the intention of our forefathers that this day of liberty should be a day of death and injury to the citizens of this United States.

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

Mr. McCLURE: Mr. Speaker, I hate to be on my feet at all times. I realize from some of the other speakers that I am greatly in the minority. There is one thing I would like to bring out though and I feel that I do know the youth of our country. I believe that the growing generation is going to celebrate the Fourth of July with plenty of noise.

Now, I can remember as a young boy we did not have the money to spend in those days as the children do now. I was brought up in a small country town and I don't believe that fireworks were sold then as I can remember it, at least not many. I can remember taking twelve-gauge shot gun shells and getting the powder out of them. Many other boys did. And we used dynamite, we used about anything else. Today, in our schools, we train them in chemistry. I feel that the children of today if they are de-

prived of these small two inch firecrackers—and I can remember the day when we had six, seven, and even larger—I think they will build their own and at all times that is not in the best interests of safety.

In Russia, today, they are training their youth in war. We are not going to allow our children apparently to know anything about the danger of fireworks and still when they become eighteen years of age, we draft them into the army and expect them to use atom bombs, bayonets and everything else to defend our country. Even though apparently I am still in the minority, I believe it is too drastic a step and we should, at least somehow, allow our children to celebrate the Fourth as we have celebrated it.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I would simply like to make this announcement. When I was a very small boy, my father bought a cream separator, one of the first ones in the community, called the "Old United States." It is noted for much noise and little cream. Well, in fact, it made so much noise that when it stopped running, the cows all made a running race for the bars, they knew it was time to be turned out to pasture.

Now, then, on the same farm, my brother Bob has a cream separator noted for little noise and much cream—very little noise but a lot of cream. Now then, I can not see why a lot of noise is any sign of patriotism. Give me a Fourth of July with little noise and a lot of the cream of patriotism. I am in favor of this bill.

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

Mr. SHARPE: Mr. Speaker and Members of the House: I do not feel like making a positive disclosure of my age. I think you will agree by looking at me that I am at least fifty years old and I deny that I am past sixty.

It seems a strange thing to me that in living fifty years or a little more that I have no personal knowledge of a serious personal injury caused by fireworks, nor a serious property damage caused by fireworks. Now, I don't mean to say that these things haven't occurred but they haven't occurred frequently enough to make this as important as it sounds. I know, of course, that any kind of sports involve some danger to persons and I know, of course, that somewhere in the State of Maine, either a shed or barn has been burned down by somebody using fireworks and being a little careless with them.

But the purpose of this bill is trying to prohibit a commodity. Now, you can argue that it isn't a very important commodity, perhaps it is not, but it is a commodity just the same and there are a lot of people who want fireworks. I am one of them and I am not silly either. Now, perhaps it is not necessary that you make a noise in order to celebrate the Fourth of July but that was the only way I knew how to celebrate it when I was a kid. I made plenty of noise. I very seldom had a nickel to buy a firecracker with but another kid and I stole some powder from the old fellow's supply in the barn and we took a piece of pipe and we made a cannon. We made some noise and it is a wonder we hadn't been killed. But we do have fireworks that are comparatively safe to operate. I haven't heard one proponent of this bill here or have I heard any proponent outside of this Legislature admit that they object to the noise of fireworks. They are putting up to us their argument that they are a menace to persons and to property. Now, they are evidently trying to conduct a safety crusade but they are stopping at the wrong place. In order to stop the fireworks, if it is a safety crusade that you are trying to run,—you take bicycles—more kids are injured on bicycles than even were injured by fireworks. Scooters are another thing and air rifles. I don't keep these statistics,

but I know that as many people have been injured by air rifles as they have by fireworks. And football, baseball, and bats, even bubble gum—I bet more people have been injured by bubble gum than have been by fireworks. (Laughter) That may sound funny but as many people have been injured by bubble gum as by fire arms. And roller skates. Now, what I tried to point out, perhaps I am going at it in an inappropriate way, but what I am trying to point out is that a commodity, whether it is a playful commodity or whether it is something to eat, should not be banished this way by Legislature.

Now, we have heard the argument by the proponents here already that the towns have set up ordinances that govern the use of these fireworks, to prohibit them in the towns. Now, there will be no great amount of personal injury or property damage done by fireworks if the towns, all of them having the jurisdiction to do so, will set up their ordinances to see that these fireworks are handled properly. They can easily set up an ordinance that the fireworks can not be shot off within fifty feet of a street or a highway or a sidewalk. But what the proponents are trying to do here is to get this Legislature to say that nobody in this State can celebrate the Fourth of July the way they want to, that they can't have fireworks. And I have also heard it argued, perhaps not here this morning, but I have heard it argued that children won't be deprived of the pleasure of seeing fireworks displayed because the fairs are going to use them so you can take your children in a car and go to the fair in the evening and let them see the firework but you will kill fifty times as many children transporting them to the fair in an automobile than will ever be hurt playing with fireworks.

Now, I concede that fireworks in impromptu street celebrations are, in some sense, a nuisance but they can be stopped. It isn't necessary for the Legislature to set up a law

that you can't have fireworks in the State.

I am very much opposed to the thing and I hope that when the vote is taken on this thing, people will realize that if they vote for the motion, they will vote to prohibit a great many people from doing what they want to do and something that is no harm for them to do.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: I have been quite interested this morning in the argument of the opponents of this bill in that the children definitely want fireworks and that therefore we should allow them to have their way.

I have a son who is eight months old. This morning, before I came up here, I had a small chat with him. I told him that I was going up to the Legislature, and when I said "Legislature" he said "Pfi!" (Laughter) I tried to get his reaction on what he thought of this bill. All he would say was "Da-da," which could be interpreted many ways. I had the feeling that he was all wet. (Laughter)

It has been my experience that kids can make enough noise themselves without fire works, therefore, I am in favor of the "Ought to pass" report of the committee.

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

Mr. MCGLAUFLIN: Mr. Speaker and ladies and gentlemen of the House: I had no thought of speaking on this question at all, and I want to say to you now that I am not in the least concerned as to how you vote on this matter; but I have been requested to say something here, and I think perhaps I should, and for this reason: In 1941 I introduced a bill to cut down the danger from fireworks. It would have eliminated all of the cannon crackers and would have reduced the amount of powder and other explosives that could be used, and

it was considered by those who studied it to be a pretty good bill.

That same year, Miss Ruth Clough of Bangor, introduced a bill to do away with all fireworks, similar to this bill. That particular year both measures went before the Legal Affairs Committee and the Legal Affairs Committee killed them both. The following year I was in the Senate and I again introduced my measure and again Miss Clough introduced hers. That went before the Legal Affairs Committee. The Legal Affairs Committee threw my bill out the window and they adopted Miss Clough's bill. That came into the Senate, and I put up this argument, a part of which I am going to give you now: It seemed to me that we were very inconsistent in adopting the Clough bill, for these reasons: First—and I think that this bill does exactly the same thing—it prohibits the use of fireworks for our citizens, but it allows the exportation from this State to any other state, so that if this is a menace to our children it surely must be a menace to the children of other states. But they did not care a bit what happened to the children of other states; they had to look out for the children here.

It struck me as being exceedingly inconsistent to say that you couldn't today throw one of these little torpedoes that you hit on a rock and that makes a little noise, but you expect your boys to face bombs that will blow up a battleship tomorrow. It struck me, and it does yet, that it is exceedingly inconsistent to say that you can't throw one of those harmless little rockets in the air, but you expect your boy to throw bombs that will destroy a whole city tomorrow. It seems to me inconsistent to say that you can't use one of these little sparklers that you hold in your hand and see the sparks fly today, but you expect your boys to blow up stumps and stones with dynamite tomorrow.

And take note of this fact: Some people, according to report, have been injured, but so have boys and girls been killed sliding down hill,



but you don't stop sliding. They have been killed by going through the ice while skating, but you don't stop skating. We kill perhaps one hundred and fifty people in the State of Maine each year by the use of automobiles, but you don't stop the use of automobiles on that account.

I feel that you haven't got at the right solution. You think you are going to eliminate the danger from fireworks, but let me tell you one or two experiences of my own.

When I was a boy we did not have any fireworks, but we had celebrations, and I am surprised, when I think of it, that other men here today had the same experience. We loaded up a double-barreled pistol with a charge that blew it over the salt mill, and it never hurt any of us. We went down and found an old anvil that had a hole driven in it, and we plugged that thing full of powder and piled green grass on top of it and put some wooden plugs on top of that, and I myself went back some two or three hundred feet, and when that blast came it blew that anvil to smithereens and blocks of wood went flying over my head and two or three hundred feet beyond.

My point is that if you do not have these harmless fireworks, you are going to have your boys and girls, especially in the country, doing something that will put fireworks to shame as far as danger is concerned.

Now I am not speaking here to oppose the minority report. I myself shall vote the other way: I shall vote with Mr. McClure, even if he is in the minority, because I believe fully that if the law that we now have on the statute books was in force and the children were taught in any degree to take care at all you would not have the slightest injury.

I myself had a camp up at the Willey House station in New Hampshire for years. I used to go up there on the 4th of July and the station agent and his wife had a family of six children, all girls, and I used to take up fireworks, little fireworks, harmless ones, to them; these little

sparklers, these little torpedoes; and it was one of the delights of my life to see the pleasure that those children had. And I saw them grow from babies to womanhood and never one of them was hurt at all. It is carelessness and illegal use of fireworks that causes this trouble.

Now last year in Portland there was considerable damage done, but it was done by using fire-crackers that it was unlawful to use. As I said at the start, I am not trying to influence your vote. I know that a good many people in Portland want to do away with it, and if they want to that is all right; but I think the bill is inconsistent, and I do not believe that you are going to accomplish what you undertake to do by killing fireworks.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bates.

Mr. BATES: Mr. Speaker and Members of the House: I rise in support of the minority report.

As a physician over the period of the last thirteen years, I believe that I am more qualified than anyone in this House to make a definite statement that I have seen accidents caused by fireworks not only on the Fourth of July but a few days preceding and following, which have been disfiguring and which have been serious. As far as the noise is concerned, I am also very interested in that angle. I hope that none of you have had the opportunity to lie languishing in bed over a hot Fourth of July week-end, dying of cancer, convalescent from an operation or with a severe nervous disorder and be irritated beyond words with fireworks noises.

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

Mr. WEBBER: Mr. Speaker and Members of the House: I rise in support of the minority report on this particular bill. As a member of the Bangor City Council, I would like to point out that for some time we have had a ban on fireworks, and we have received a great many complaints from the inhabitants of

the City of Bangor: Why doesn't the police department do something about it? I would like to say that the police department is almost helpless and powerless to act in this manner because the neighboring towns around Bangor are authorized to sell illegal fireworks, consequently the city is flooded with fireworks each year.

I would like to tell you an actual experience which happened in my family this last summer. My only daughter was invited out to a summer camp. She went out, and during the celebration of Fourth of July she suffered a very severe burn on the back of her neck which burned quite a bit of her hair. It was an actual miracle that she did not sustain very serious injury or possibly loss of life. We did not learn about this until several days later when she returned to the city. We rushed her to the doctor and he gave her an injection for lockjaw. I consider that a double miracle. I would like to ask the members if the opportunity of using fireworks is worth it. I say definitely not.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Bird, that the House do accept the minority "Ought to pass" report of the committee. The gentleman from South Portland, Mr. Spear, has requested that when the vote is taken it be taken by a division. Is the House ready for the question?

Mr. SHARPE of Anson: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. SHARPE: To ask unanimous consent to address the House very briefly.

The SPEAKER: The gentleman from Anson, Mr. Sharpe, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. SHARPE: Mr. Speaker, I have heard it argued once or twice during debate that it is not necessary to make a noise for the purpose of celebrating the Fourth of July. Before we vote, I just hope that every

member will stop and try to think of some appropriate way other than by noise to celebrate the independence of the United States of America.

You can say that you can send your children fishing. They celebrate every Saturday afternoon that way. You can say that they can go on a picnic. That is no way to celebrate the Fourth of July. There is only one way to celebrate the Fourth of July and that is by the old American custom of shooting off a few fireworks. Before they had fireworks they shot off cannon and guns.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Rockland, Mr. Bird, that the House do accept the minority "Ought to pass" report of the committee. The gentleman from South Portland, Mr. Spear, 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 Mr. Rockland, Mr. Bird, to accept the minority "Ought to pass" report of the committee will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: One hundred and six having voted in the affirmative and fourteen having voted in the negative, the motion to accept the "Ought to pass" report of the committee prevails.

The Bill having already been printed, under suspension of the rules was given its two several readings.

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

COMMITTEE AMENDMENT "A" to H. P. 135, L. D. 41, Bill "An Act Relating to Sale and Use of Fireworks."

Amend said Bill by striking out in that part designated "VII." the underlined words "by experts".

Further amend said Bill by striking out all of that part designated "VIII." and inserting in place there-

of the following underlined subsection: **VIII. To the sale of shells for firearms, cartridges, gunpowder and explosives for the purpose of any legal use of firearms.**

Further amend said Bill by adding at the end of Sec. 20 thereof the following underlined sentence: **'Each such sale or use shall constitute a separate offense.'**

Further amend said Bill by striking out in the last line of Sec. 21 thereof the underlined words **"which will be most"** and inserting in place thereof the underlined words **'as shall be'**.

Further amend said Bill by striking out in the 2nd line of Sec. 21-A thereof the underlined words **"a fireproof building and except such"** and inserting in place thereof the underlined words **'such buildings'**.

Further amend said Bill by striking out in the 4th line of Sec. 21-A thereof the underlined words **"in any"** and inserting in place thereof the underlined words **'if such'**.

Further amend said Bill by inserting at the end of the 4th line of Sec. 21-A thereof the underlined word **'is'**.

Further amend said Bill by striking out the single quotation mark at the end thereof and by adding at the end of said Bill the following underlined section:

**"Sec. 21-E. Appeal. Any person aggrieved by any decision of the insurance commissioner under the provisions of sections 21 to 21-B, inclusive, within 30 days after such decision may appeal therefrom to a justice of the superior court, in term time or vacation, who shall forthwith, after notice and hearing, affirm or reverse such decision, and the finding of such justice shall be final."**

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

On motion by Mr. Burgess of Limestone, recessed until 2:00 p.m.

#### Afternoon Session

2:00 p.m.

Called to Order by the Speaker.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, House Divided Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for the Establishment of a State of Maine Information Center" (H. P. 1621) (L. D. 932) Majority Report "Ought not to pass" and Minority Report "Ought to pass" tabled on April 13th by Mr. Burgess of Limestone pending acceptance of either report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I believe that we should consider this bill on the basis of being an investment in the future prosperity of the State of Maine. This is a proposal to build an information center at Kittery, which is actually the gateway to the State of Maine and the place by which ninety per cent of the travel passes that enters into the State of Maine. This information center would cater to a vast potential of tourist business which enriches our people to the extent of \$110,000,000 annually. It would not only be used for an information center for tourists, but would contain showrooms in which would be displayed the products of industry, of agriculture and the forests of Maine, the better to promote the sale and the use of these items for the benefit of the State and its people.

During the course of this Legislature we have appropriated millions of dollars for the poor and afflicted. Can we not afford a few thousands for the benefit of those who contribute millions to the people who fall into this category?

It should be impressed upon the minds of the members of this House that this act does not call for new money but is a capital expenditure, a non-recurring expenditure, and does not call for new money or new taxation, but would be provided out of the unappropriated surplus.

With this thought in mind, I move the acceptance of the minor-

ity report of the committee "Ought to pass."

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

Mr. **BROWN**: Mr. Speaker and Members of the House: It is not my purpose to try to influence any member of this House to vote on any measure that appropriates money. I think they are perfectly capable of doing that thing themselves, but I would like to point out to the members why I think the majority of the Committee on Appropriations reported this measure out "Ought not to pass."

As of April 13, 1949, I would like to show you the standing of the unappropriated surplus. As of June 30, 1949, we had a balance of \$6,171,461. Bills that have been passed and signed by the Governor amount to \$2,790,211.74. That leaves a balance of \$3,381,249.26. Bills reported out "Ought to pass" amount to \$1,958,475, leaving a balance of \$1,422,774. That, I think, is as much as the Appropriations Committee, the majority of them at least, felt they should draw from this unappropriated surplus. I believe they felt that at least \$1,500,000 should be left in the unappropriated surplus. And I might add that there are divided reports, of which this one which you have before you is one of them, that amount to \$1,870,000. If all of these pass, those that have been reported "Ought to pass" and the divided reports which apparently some members of this House want to pass, we will have a deficiency in unappropriated surplus of \$447,225.

I myself shall vote against the motion. If I were to take any more from the unappropriated surplus, my own thought would be to vote for the construction of an employees' dormitory at the Augusta State Hospital at a cost of \$225,000. I am told that the employees of that hospital are now living and sleeping in the attic of this building over there. For that reason, I hope the motion does not prevail.

The **SPEAKER**: The question before the House is on the motion of

the gentleman from Kittery, Mr. Dennett, that the House do accept the minority "Ought to pass" report of the Committee.

The Chair recognizes the gentleman from Portland, Mrs. Fay.

Mrs. **FAY**: Mr. Speaker, I rise in support of the minority Report.

I think this \$100,000 which is asked to construct the building would not come from the general appropriation but from the reserve fund.

It would be a non-recurring item. The building would be operated without expense to the State.

The need for the building has existed ever since Maine started promoting its vacation opportunities, its food products and its industry. The gateway of the State is the logical place to have such a building if all parts of the State, and all interests, are to be served. Over a million visitors pass the spot each year.

The building will not only be used as an information center but also to exhibit the products of our State. Visitors will be made aware of the scenic beauties of all parts of Maine and so will be induced to spend more time in the State rather than swinging off through New Hampshire or continuing on to Canada as so many of them do now. These people will be shown where they can go to see our industrial products made, where they can see our agricultural products growing and where they can see our seafoods caught. In this way, they will know what Maine produces and so it will be the most economical form of advertising it is possible to buy.

I think it is time we learned to tell the difference between an expenditure and an investment. This building would be a fine investment in the future prosperity of Maine. A great many of you here are in business and you know that if we stopped advertising, or if we cut our advertising to the bone, that business would suffer. The big nationwide concerns don't advertise just for the fun of it. They advertise because they know that

if they didn't, they would soon be out of business.

The State of Maine is big business, comparable with many of these great national concerns. Competition is great and is growing greater. If we are to continue to help our people keep their jobs and to sell their products, we must continue to promote Maine. If we don't, the time will come when we will have to appropriate money for relief of the unemployed.

At the present time, the ideal spot for this new building is available. But the owners cannot hang onto it much longer for us. We must do business this year or never.

It is the belief of a great many that this building at Kittery will be of immense value to all of us. It will be an investment in the future of Maine and its people.

The SPEAKER: The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House do accept the minority "Ought to pass" report of the committee.

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

Mr. SHARPE: Mr. Speaker and Members of the House: I am economy-minded, and I do not like to see us spend money unnecessarily, but I think this is a most worthy and sound proposal, the establishment of this Information Center at that point. Almost all of the people coming into Maine, visiting tourists, will pass by that place either going or coming, and I think that it is very possible that such an Information Center, operating to advertise the advantages of Maine, might bring into the State many times as much money as it will cost to build it. I am for the "Ought to pass" report on this bill.

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

Mr. BROWN: Mr. Speaker and Members of the House: It is with a good deal of pleasure that I rise this afternoon in support of Legislative Document 932. I have jotted down several remarks which I was

going to make this afternoon, but I find that the gentleman from Kittery (Mr. Dennett) has covered the subject very adequately and he has expressed my views, and so as not to take up time with repetition I will just leave one thought with you on this: That I think this: That if you and I had a business that brought in \$115,000,000 a year, that we would be willing to spend \$100,000 on a place to tell our customers where they could buy our wares. I believe it is a very worthy thing, at the Gateway to the State of Maine, and I think it is a good investment on the part of the State.

The SPEAKER: The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House do accept the minority "Ought to pass" report of the committee.

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

Mr. BROWN: Mr. Speaker and Members of the House: There is no doubt but what you all know by this time in the Legislature that I am economy-minded. However, there are times when it is right to practice economy; there are other times when you have to do otherwise. When a person starts a business, even before they start to make money, they have to advertise the things that they have to sell. It is good policy at times, when you see business slacking off, to start advertising. We see that condition before us at the present time. The industries in Maine have got to advertise, and advertise plenty, if we are going to compete against some of the other sections of the country, and I believe that this move, at the very approach of Maine, where people come into our State, if they have a center where they can stop, view our products, view maps of the State of Maine, the scenery, our lakes, our fishing spots and any other recreational facilities that we have in the State of Maine—I believe that people are going to turn to Maine.

This, I believe, will pay us dividends, so I hope that the motion will prevail.

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

Mr. MARSANS: Mr. Speaker, I want to go on record as being in favor of the motion of the gentleman from Kittery, Mr. Dennett. I believe it is very important for us to have some welcoming place at the start of Maine where the Vacationing Public can come in, where even those interested citizens of the State of Maine can find out what the State has to offer agriculturally, industrially and in the recreation field.

I would also like to point out that Maine saw fit to spend \$50,000 back in 1925 or 1927 for its building at the Eastern States Exposition building group in Springfield, Massachusetts. They use that building approximately one week out of the entire year and they think that it pays dividends. Even if the amount were \$100,000 for this building, that is going to be used every day of the year, right here in the very State of Maine, and I think it is a very worthwhile expenditure, and I want to go on record as favoring the motion.

The SPEAKER: The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House do accept the minority "Ought to pass" report of the committee.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I wish to speak on this measure, not only as its proponent, but as an individual, and although I live in almost the northerly tip of the State of Maine, about as far away from this proposed Information Center as it is possible to get and still be within our great State, I am fully convinced that it is a combination of sound economy that will enable us to do the things for our needy and our hospitals in the final event. I am firmly convinced that there is a

responsibility upon the State of Maine to further the interests wherever possible of those who depend entirely upon the tourist business, as great a responsibility as there is for the State furthering the interests of agriculture, the lumbermen or other industries in our State.

This \$100,000 investment is proposed for several reasons, and I am sure that I will not be able to enumerate them all, but one or two I think I can.

First, let me point out that where a person is traveling into Maine for a vacation or for the purpose of looking for an industrial plant, I think we can honestly agree that his first impression may well be that which will keep him or keep some of his money within our State.

Second, we have started with the so-called Kittery to Fort Kent Turnpike, a trunk line highway, of which the people of the State of Maine can justly be proud. It is the main entrance into the State of Maine. There is no other location in the State of Maine as fitted for an information center as the one which has been selected for the construction of this building.

It is proposed that the \$100,000 be taken from the unappropriated surplus. The staffing and the maintenance of the building once it is constructed, will be financed by the Maine Publicity Bureau and not from the general fund of the State. It is not an investment of money which will cost continually a large sum in the future. I hope that we can consider the value of wise advertising and also the value to the people of Maine who depend upon the tourist business, and that we will give them as much help as we would be willing to give, as I stated previously, to agriculture, to industry or to the lumbermen, or what have you. I hope that the motion of the gentleman from Kittery, Mr. Dennett, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I have been connected with some newspaper for more than fifty years. I began my career with the old "Independent" that was published in Presque Isle by Mr. Hodgdon, the father of the present Governor's wife, which paper is now the "Star Herald."

I have noticed down through the years that you can take any legitimate business, be it ever so small, and if you advertise sufficiently you will build that business up to proportions undreamed of. If we are going to build this State of Maine, we must advertise the virtues of the State of Maine and we must advertise that which the State of Maine has to offer.

I know that every time I rise to speak for a measure which calls for an appropriation my neighbors jibe me and say "You are inconsistent; you want an appropriation and you vote against every tax measure." Well, that is not true, because I have repeatedly said that I will support any tax measure that would exempt air, water and vital foods, and I will do it. But I am for this measure to advertise the grand and the glorious State of Maine that gave me birth and which I am proud of and of which I want the world to know that I am not a "maniac" that comes out of an institution but I am a "Mainiac" born in the grandest state in all the Union. Gentlemen, let us advertise it.

I put in a bill to put a potato on the number plates. Well, they turned it down because it would cost \$25,000. I still contend that if that potato had been put on the number plate it would bring us in millions of dollars because it would advertise the greatest potato that ever was produced.

Now let us not be miserly and kill the hen that lays the golden egg. It is advertising which puts anything over. I hope the Aroostook delegation—and of course the Washington delegation always goes along with the Aroostook delegation, whether it is for blueberry pie

or potatoes—so I hope that the Aroostook delegation, anyway, will all support this measure. I thank you.

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

Mr. McCLURE: Mr. Speaker and Members of the House: I also will go along with this measure because it is a step in the right direction. We now have the money to pay for what we want, and we can do this by further advertising Maine as the State of relaxation rather than the State of taxation.

The SPEAKER: The Chair recognizes the gentleman from Palmyra, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I hesitate to rise in opposition to this building, this project at Kittery, but I think that some of these gentlemen who oppose any taxes should save this unappropriated surplus to take care of our educational system and our welfare work. This unappropriated surplus is the taxpayers' money. As far as the building down at Kittery is concerned, I feel this way: We can get along without that, but I believe if you want to leave a good impression upon the outside world of Maine that we must keep our institutions and our educational system and our highways up with the other states. Make Maine an attractive State to live in and we won't have any trouble advertising our wares, I do not believe.

Now as far as the building at Kittery is concerned, it looks to me as if a party must be headed into the State of Maine or already have been here and going out; and if they are coming in and we have the right kind of a State and a desirable place to live or have industries, we won't need a building; and if they are going out and we have made a good impression on them and haven't beat them by selling them some poor product that we have advertised to be excellent, I think they will come back. I cannot see any reason, if we are econ-

omy-minded, for taking this money out of the unappropriated surplus.

Now our population is increasing; we have many young veterans just just married going into industry or working in industry, farming and so on, and the majority of them will have families and I believe that it is our duty to maintain an educational system in the State that will compare favorably with other states or any state in the Union. I therefore want to go along with with the majority report of the committee. I feel that this unappropriated surplus, as I have said before, is money that we can use, and if we cannot have a tax bill, I think there are other matters here that need money worse than this bill.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: I am happily surprised to find that for once Mr. Brown of Baileyville, McClure of Bath, and some of these reactionaries are going to vote as I will, for the minority report. (Laughter)

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

Mr. McCLURE: Mr. Speaker and Members of the House: I find I am in agreement almost every time that the gentleman from Palmyra, Mr. Millett arises. I also would like to see this money used for education and aid of our needy aged, but I would like to ask Mr. Brown of Unity a question: Can this money from this fund be used for recurring expenses? I should like to ask that of Mr. Brown.

The SPEAKER: The gentleman may ask the question, and the gentleman from Unity may answer if he desires.

Mr. BROWN of Unity: Mr. Speaker, I would say I suppose it is up to this Legislature to use it for anything they want to use it for.

Mr. McCLURE: As I understood it, it was recommended it be not used for recurring expenses.

Mr. BROWN: That is correct.

Mr. McCLURE: I believe there will be recurring expenses in our educational program, our aid to dependent children for many years to come when the recession faces us.

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

Mr. CHASE: Mr. Speaker and Members of the House: I regard this bill as one of the more desirable measures for funds to come from unappropriated surplus. I could wish that the aspiration were for a somewhat lower figure. It does seem to me that an adequate information center could be built for less money. I find nothing in the bill to confirm the statement which was made that someone else is going to pay the operating expenses of this center once it is established. The bill seems to say that on completion of the building its operation and maintenance shall be a function of the Maine Development Commission, which is a State agency supported with public funds.

My personal view is this: That until I see some evidence on the part of a decisive majority of this Legislature to pay the operating bills of the State, I am not going to vote for any bill to impair the unappropriated surplus. When the proposition of operating expenses is adequately taken care of, this bill will be one of the first on my list in priority.

The SPEAKER: The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House do accept the minority "Ought to pass" report of the committee. The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of the House: I can assure you that if you should decide to accept the "Ought to pass" report, that as soon as it has reached the proper state in the House I will make a motion to table and will be glad to keep it there until the entire House is in accord that other matters have been cared for that



in the opinion of some take precedence.

The SPEAKER: The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House do accept the minority "Ought to pass" report of the committee. Is the House ready for the question?

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

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

The SPEAKER: And the gentleman from Jefferson, Mr. Johnston, requests that when the vote is taken it be taken by a division. Is the House ready for the question?

The question before the House is on the motion of the gentleman from Kittery, Mr. Dennett, that the House do accept the minority "Ought to pass" report of the committee. As many as are in favor of the motion of the gentleman from Kittery, Mr. Dennett, that the House do accept the minority "Ought to pass" report of the committee will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Seventy-three having voted in the affirmative and fifty having voted in the negative, the motion to accept the minority "Ought to pass" report of the committee prevails.

This being a printed Bill, under suspension of the rules, it was given its two several readings.

(On motion by Mr. Burgess of Limestone, the bill was tabled pending third reading.)

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, Bill "An Act Relating to Branding of Potatoes" (S. P. 395) (L. D. 733) tabled on April 14th by the gentleman from Limestone, Mr. Burgess, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. Burgess, the Bill was passed to be engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the fourth today assigned matter, being House Divided Report of the Committee on Judiciary on Bill "An Act to Repeal the State Personnel Law" (H. P. 1720) (L. D. 1077) the Majority Report being "Ought not to pass" and the Minority Report being "Ought to pass," tabled on April 14th by the gentlewoman from Rumford, Miss Cormier, pending acceptance of either report; and the Chair now recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: The Personnel Board came into existence in 1937. Since that time this is the third bill which has been presented to repeal the Personnel Law. I shall try to show you that there is need for the change from the present system, that the present system is unfair, that it is impractical, and that it is useless, and then I will seek to answer some of the arguments that have been advanced in favor of the Personnel Board.

I believe, first of all, that it destroys initiative. The people working in the department are not on the job as they should be because of this present law. I go even so far as to say that most Civil Service jobs destroy initiative. People do not give their best; they do not give a good day's work, and consequently I feel that similar things exist here under this bill. I believe it is unfair. There are, in the Personnel set-up, examinations and classifications. The examinations given do not cover the work in the department. For example: After a person has worked in a certain department for many years, if she wishes an increase, she must take an examination, and that examination may be anything from: "How many feet are there in a room so many feet long and so many feet wide?" to "What is the distance from Kittery to Presque Isle?" And I feel that that type of an examination is not fair to the person who

is seeking an increase or a rise in classification.

I also believe that the head of a department, if he is capable of being head of a department, is capable of hiring his own help, and I feel that he is much more qualified than a Personnel Board to say whether or not the help in his department should be increased in salary or should receive additional qualifications.

Under qualifications there are also a great many injustices. For example: A young lady just out of school is able to type and take dictation at a much greater speed than someone who has been working but who has not been using it every day. Consequently, a girl taking an examination may type forty words more per minute than a girl who has been working in the department. What is the result? The one in the department who has been working for many years is lower on the list than someone who has just come in, knows absolutely nothing about the department, but who can type forty words a minute more than the other individual. Now I ask if there is any justice in such a thing, and it has happened in several instances.

I believe that the success of any department rests upon the help in that department, and this argument that is advanced many times, that each time a department head changes, the entire personnel in that department changes, I believe is unfounded. If that head wishes his department to be successful, naturally he will want to surround himself with people who know the work and are able to produce for him.

I also believe that it is unfair for a Personnel Board to set the salary scale for any department. These people cannot know the qualifications of every single department, no matter how well posted they are. They are unable to determine whether you and I, working in a department, should be given an increase or not, and what that increase should be. Many times the head of a department requests an

increase for one of his girls or one of his men, and the Personnel Board cuts that increase. I believe that that is unfair.

Now many of the arguments proposing repeal are: No. 1, and perhaps most important, Federal funds. They say that those departments which now are receiving Federal funds would not receive Federal funds if the Personnel law were repealed. I would like to remind you that before the Personnel Law came into existence we were receiving Federal funds, and that the last Federal act of 1940 permits those departments receiving Federal funds to set up a Personnel Board or a Personnel Committee within their department to take care of the personnel in that department.

Another argument is the Veterans. They claim that the Veterans would not get the proper treatment if there were no Personnel Board. I would like to read to you a letter which was sent to me unsolicited and which is dated April 2nd, 1949. "Miss Lucia M. Cormier, House of Representatives, Augusta, Maine.

Dear Miss Cormier:

I am a veteran of World War 2, and was in the Sicily, African, Anzio Beach Head, Romano, Monte Cassino campaigns, overseas three years. Eight months in the United States Signal Corps and Infantry training before assignment to overseas.

"I recently took an examination called by the Personnel Board for Clerks in the State Liquor Store, and was notified by the Examining Board: 'Your marks were not high enough to go on the employment lists.' I have not received any record of the examination and my averages have not been sent to me nor have I been notified of my credits.

"I am satisfied that I passed the examination, and wish you would make such inquiry as may be necessary to suggest that there might have been discriminations."

There is also another veteran who is living within five miles of the State House, who came to the

Personnel Board and was refused permission to take an examination because he was not a high school graduate. That same veteran tried to explain to them that he had been overseas, that his high school course had been interrupted, that he had gone overseas, had been there several years, returned home, was married and could not go back to high school, and pleaded with them to permit him to take the examination. A great deal of pressure, I understand, was brought to bear, and finally he was permitted to take an examination.

Now I ask you if that is any kind of treatment for the veterans to receive, and I feel sure that they would receive no worse treatment if there were no Personnel Board.

There is also the argument that politics would enter into it. There are several of you sitting here in the House; there is one gentleman who is sitting here in the House who knows that he received his appointment and he was put on the State payroll, and six months later he was asked to come back and take an exam, merely for the record.

There is another gentleman who made application, sitting in this House, who was told, when asked if he should go to the Personnel Board, not to bother, and consequently politics are being played in the present set-up just as much as they would be played if there were no such set-up at all.

Another argument brought up is the protection to the help. We find that the present help is receiving protection under the Personnel Board. Last week, or a few days ago, when some were dismissed from the Bangor Hospital, did they come to the Personnel Board for appeal? They went out and hired a lawyer. That was their first thought. And I agree with a great many around the State House that there is no appeal. They may present their case to the Personnel Board, but that is the end of it.

I feel that the entire set-up is impractical and it has not worked in the past, and therefore I move the acceptance of the minority re-

port, and when the vote is taken, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Rumford, Miss Cormier, that the House do accept the minority "Ought to pass" report of the committee, and the gentlewoman has asked that when the vote is taken, it be taken by a division.

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

Mr. McGLAUFFLIN: Mr. Speaker, I didn't suppose it would be necessary for me to speak on this measure, where the report came out so strongly from the Judiciary Committee in favor of it. I will be very brief. I want to call your attention to the fact that in spite of what has been said about certain unfair cases, we had a condition before this Personnel Board came out whereby things like this happen:

I recall that one of our Councilmen from Portland had an application from some girl who wanted a job. All he had to do was to step into the Department and say: "Give this girl a job." Now she wasn't needed at all, but political influence placed her there, whether she was needed or not.

The object of the Personnel Board was to try to get the employees of the State on something of a Civil Service basis, and it was backed up particularly by the women of this whole State.

I was in the Judiciary Committee when we worked this thing out and we spent days trying to get something that might be worthwhile. Now I have no doubt that the Personnel set-up may have its faults, but until we have worked out something that will be better than what we have now, we had better leave it alone, and when you have got a majority, a strong majority, of the Judiciary Committee in favor of leaving it alone, you had better go slow before you change it.

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

Mr. JACOBS: Mr. Speaker and Members of the House: This is another measure, another way for economy, but perhaps we don't want any economy. The last speaker has just said the majority of the Judiciary Committee, of which he is a member, voted against this.

You have just voted, previously this afternoon, by a large majority of the Appropriations Committee, against the building of this building at Kittery for \$100,000. We can approach this matter with a minority, just the same as they did on the other, whether you agree with me or with this bill or not.

I have talked with many of the heads of departments, the Commissioners, about forty of them in this State, employing help in their offices, and I have yet to find any man or woman whom I have approached in this matter, but have said they would much prefer to hire their own help and to fire their own help if they are inefficient.

They appeared before our committee, the Appropriations Committee, asking for nine more members of this Personnel Board. They already have nine. Now what in time do they want nine more for? I asked one member; they said they wanted to catalogue some of their help more efficiently than they have in the past and didn't have time to do it.

Now this was started a few years ago with one Commissioner and a Secretary to do the job for personnel services, and down through the years, the past eight or nine years, they have increased the number to nine, and yet they cannot perform their duties as they see them, adequately, and they came to ask for \$45,000 more before our committee, making eighteen in number for this personnel service, so-called. I believe the time has come that we hire men that will be responsible for their positions, and will be equally responsible and capable of hiring their own help. I do, in my business. If I have an inefficient helper or employee, I fire him, and I think that should be the job of

any executive in this State of Maine who is the Commissioner of his department.

I want to cite one instance. Mr. Berry, the Auditor, said I could quote his name. Mr. Berry wanted another Auditor for his department. They advertised for men. Twenty, I believe, responded, and after the examination was duly made, this Personnel Board presented him with three names for him to take his choice. He thought that of the twenty names, he might know someone in that twenty that he would prefer, but no, if these three were not satisfactory, they would present him another three names. Wouldn't you believe that Mr. Berry, the State Auditor, is perfectly capable of hiring his own help, to know their qualifications and to do the work which he assigned them to do without going to a Personnel Board and having them hand him three names, and if they were not satisfactory, three more, and down through the line until they were exhausted? I say that is foolish.

How do they advertise for a job? Before our committee I asked this question: "How do you advertise?" One particular one was a helper in a liquor store. They said they sent out fifteen hundred invitations or notices that this job was vacant. Fifteen hundred, mind you! Now would that have been necessary? For instance, the Auburn Liquor Store Manager could go out, and in fifteen minutes find a young man among his acquaintances who would be capable of doing the job. That cost the State something to send out those letters to Tom, Dick and Harry.

And so it goes. Somebody says that there would be politics in this. Good Lord, this whole State of Maine, this whole set-up, is political. We are here as a political party, one or the other, and everything is political throughout the State, but I believe that these heads of departments in Maine are capable of hiring their own help and know their qualifications. Some say they would hire their sisters or their

brothers or their sons or their daughters. Let them do so, if they want to, if they are capable. I would trust these heads of departments in Maine, as we all do. They have an important part to play, and the help that they employ have an important part to play, and I believe that we have no use for the Personnel Board, and I hope the bill that the gentlewoman from Rumford, Miss Cormier, has started, will succeed.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: As a member of the Judiciary Committee, it has been my opportunity to sit through the hearing this year on this particular bill, and I believe we also had it on one previous occasion.

It seems to me that we must take into consideration the fact that the trend in industry and in government is to have as much continuity as possible in the service of employees. We are everywhere adopting pension plans and programs, and these become meaningless if employees are hired at random and change with a change in department heads.

I recall, a few years back, during depression years, our Executive Councilors living in our locality, were continually besieged by people wanting employment. They had visitors every day. I ask you to place yourself in the position of the head of a department under conditions like that, when Executive Councilors are passing the word around that this man or the other from his own neighborhood is out of work and would make a satisfactory employee.

The matter of salaries in the various departments has been raised. It seems to me that we could never leave the setting of salaries entirely with the heads of particular departments. There must be some over-all control, so that stenographers, for example, or any other employee, doing comparable

work, would receive practically the same salary.

We have also to consider the requirements of the Federal law. A large part of our money is spent through our Department of Health and Welfare, and through our Unemployment Compensation.

The State plan for—and this is from the Federal provision—the State plan for, and in that particular place you would set up your Health and Welfare or Unemployment “must provide such methods of administration, including, after July 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the administrator shall exercise no authority with respect to the selection, tenure of office and compensation of any individual employed in accordance with such methods as are found by the administrator to be necessary for the proper and efficient operation of the plan.”

Our Personnel Board's program has been approved by the Federal government. In New Hampshire they have no such Personnel law, so that in that State these two departments have to maintain a Personnel system of their own, which is done at a cost in those two departments, of some \$15,000 to \$18,000.

In Maine, which is a larger State with a larger program, our expense would be correspondingly larger. I think there would be little, if any, saving from the point of view of administration, therefore I trust that you will vote against the acceptance of the minority report.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Rumford, Miss Cormier, that the House do accept the minority “Ought to pass” report.

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

Mr. BROWN: Mr. Speaker and Members of the House: I rather hesitate to rise in opposition to my good friend, the gentlewoman from Rumford, Miss Cormier. I feel rather small in trying to debate this issue with Miss Cormier. How-

ever, in my experience with large industry, I find that for years industry went along with the idea of allowing foremen, department heads and superintendents to supervise their employees. They found out that the same conditions existed that exist under a political set-up, whereby the department head has the right to favor those who look up to and cater to him.

We had plenty of that in industry in years gone by. All of the large companies that are operating today have seen fit to establish Personnel departments, because they recognize that one of the most important parts of the successful operation of any business is their labor relations and a satisfactory feeling with their employees.

Now, our State government is no different from any industry. Our State government has got to operate, if they operate at all, on business principles and good, sound business practices. We say that our Personnel Board is not doing a good job. Our Personnel Board, when we consider the number of employees that our State employs at the present time, with only nine on the staff, is doing a splendid job, for the amount of personnel that they have.

The State's business is big business. If we had companies that were doing a business of \$10,000,000 a year, we would consider that they are large companies. Our State payroll to its employees is around \$10,000,000 a year, and I wonder where that would go if we allowed each department head the right, because he liked the color of the necktie that I wore, or the way I combed my hair, or how I did cater to him, to raise my pay whenever he saw fit. Now we had that condition existing in the State. We had secretaries and stenographers working in one department, doing the identical work with secretaries and stenographers in the other departments, and there was a vast difference in the wage rate of those different people. Now that is what you have when you allow department heads the right to hire,

the right to fire and the right to raise pay as they see fit.

Now there is no use disputing those things. We have all been mixed up in politics. We all know that we try to use political influence in everything pertaining to State jobs and what have you.

Now we say that what this department spends is way beyond what it should be. Well, if we thought that it cost one percent of the amount of the fund that they have supervision over, we would say that was pretty fair, and yet we find that this department functioning today is using less than one-quarter of one percent of that fund that they administer. Now, to me that doesn't look exorbitant, when you consider that if they were not there, things might go haywire, and by just a little manipulation of this right of the department heads to double wages, we could spend a good many thousand dollars more than is spent by this Personnel Department.

Now what is the story in the other states? We find that practically every state in the Union at the present time has a Personnel department to look after the employees of the State. It was only back here a few years ago that they got the same idea amongst the Legislators in the State of Connecticut, and they did away with the Personnel department, but how long did they leave the Personnel department out of the picture? Immediately the Governor called a special session of the Legislature, the Personnel department was put back, and they went to that department and said: "How much do you want for an appropriation, so that you can properly handle the affairs of this department?" And they gave them the funds that they asked, and they are still operating.

Now surely, if there is something wrong with any department, we don't go along and abolish that department; we have criticised in most sessions of this Legislature some of our departments, but we did not abolish those departments; we tried to find out what was wrong

in those departments, and rectified that wrong.

If there is anything that is wrong in the Personnel department, let us find out what it is and rectify that, and not turn back the pages of history and go back to something that we know is nowhere near as good as our Personnel department. That isn't the way to do business, so I hope that the motion of the gentlewoman from Rumford, Miss Cormier, will not prevail, because I am afraid that in two years, when we come back to this Legislature, one of our businesses will be to reinstate the Personnel department and start it operating in the same manner it is in today.

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

Mr. McCLURE: Mr. Speaker and Members of the House: State and industry are as far apart from a business standpoint as night and day. A personnel department in industry, like financing in industry, is not handled on the same scale as our states. We do not have to be here too many terms to find that out.

We can use the money saved by eliminating the Personnel Department to further aid our educational program for our children and our worthy aged. I trust the motion of the gentlewoman from Rumford, Miss Cormier, prevails.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Rumford, Miss Cormier, that the House do accept the "Ought to pass" report of the committee.

The Chair recognizes the gentlewoman from Portland, Mrs. Fay.

Mrs. FAY; I rise in opposition to the motion of the gentlewoman from Rumford (Miss Cormier) to accept the minority report.

I feel that favorable action on this measure would be tragic action for the State of Maine and I therefore wish to oppose it as strongly as I am able. So that there may be no misunderstanding,

I do not argue that the Personnel Board is yet the perfect instrument for the function it is charged with carrying out. I think that the members of the Board themselves would tell you that it does not claim perfection.

I argue against its abolition because it is the only instrument we have with which to operate, and because without it we will return to the chaotic referral and placement system which preceded it. I cannot believe that there is an earnest servant of the State Government who knows what conditions were like before the Personnel Board was created who would consider for a moment returning to conditions as they existed in the past.

The Board is the only protection which State employees have; it is the only protection in this field of public employment that the public has; it is the only service of any similar character which is available to the heads of departments. Before it was created, hiring and firing of State employees was a disgracefully haphazard operation, an operation that was shot through with inefficiency and political expediency, an operation costly to the State because it made no real effort to screen prospective employees or to make any real determination of their experience and fitness for the job.

Older employees will tell you, if you ask, that it was not uncommon for employees of the State to be fired for the most ridiculous reasons, or because the relative of a supervisor needed the job. It is no exaggeration to say that on far too many occasions religious or political considerations were major factors in determining whether or not a state employee would be hired or retained. We do not want to go back to a system like that.

If the function of the Personnel Board were thoroughly understood by the public, this bill would not receive a moment's serious consideration. Some of the things the

public ought to know is that the Board, which deals with an average of 7000 employees in the classified service, provides the only means through which our workers in the state may have job security.

With the Board, promotions would depend entirely upon how much influence the individual employee could bring to bear on the boss. There would be no information about job vacancies as they occurred.

No employee would have the right to transfer from position to position or department to department.

Today's reinstatement rights would go out the window, where at present a state employee has the right of reinstatement any time within two years of his separation, and without taking an examination.

The passage of this bill would deny to all state employees the present sick leave which accumulates up to 75 working days, or vacations, which accumulate up to twenty days. Also lost would be the right to leave without pay for illness, for professional study, or for any other necessity or emergency.

Enact this bill and you abolish all employee rights to equal protection, promotion, or salaries.

The effect that the abolition of the State Personnel Board would have on the general public is harmful. No citizen interested in serving his State would have the opportunity to apply for a position since the announcements of open positions now sent regularly to a large mailing list would no longer go out.

Veterans' preference, which now gives five or ten points deserved advantage to those citizens, would be removed from the statute.

Budgeting for personnel services would go back to the hit-or-miss system which was followed before we had a Personnel Board.

But if the rights and interests of present and future employees of the State, good business and executive economy are not enough, consider the position in which you would place departmental executives if you gave favorable consideration to

this bill. Every department head would have to spend a major portion of his time in individual recruiting and interviewing of prospective employees. Every executive and every supervisor would continually be the target of job seekers, many without qualification for positions open. We cannot afford to pay our State executives to administer the business of the State and have them thus harassed by a responsibility which they do not want and which takes precious time from the real work they are appointed to do.

Without the present controls, there would be an immediate and powerful application of political pressure on behalf of job candidates, even though they have no qualifications whatsoever.

Salaries would lose their present stability, and it would be impossible for an executive to plan his personnel needs and the costs.

I do think that industry has treated the need of personnel managers and we have it at government levels. Our Chief Executive recommends that the approval rest with the Council. At city levels, we have city manager forms of government in many of our cities and towns and the approval of candidates he may suggest still remains with the Council.

If we are truly interested in the efficiency of our State government and the economy with which it is operated we will act unfavorably on this measure.

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

Mr. BROWN: Mr. Speaker, I just want to point out one more point on this question before we take the vote. Reference is made to allowing each department to handle its own affairs pertaining to hiring and firing, or what have you, in that department. I want to refer to just one department of our State and that is the Department of Health and Welfare.

I believe that at the present time this department employs some 500 employees throughout the State. I



think I am somewhere near right. I wonder how much time the director of that department would have to administer the affairs of that department if he had to look after the hiring and firing and the grading and one thing or another of each and every one of these 500 employees. I do not think he would have too much time to devote to the affairs of looking after the aged, the aid to dependent children and the other functions that come under his department. He would possibly have to set up within his own department a personnel board and it would probably be somewhere near as large as the present personnel board which you have, in order to look after the affairs of the personnel in his own department.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, I would like to call your attention briefly to the fact that in the Department of Education today as it now stands there is a lady, and a secretary. These people handle more applications than the Personnel Board do at any time during the year. They are the clearing house for all of the teaching profession positions in the State of Maine. They work quietly and efficiently, and that one person with her secretary—and up until two or three years ago she had no secretary—and she alone handled more applications, quietly and efficiently, than the Personnel Board.

Also, there is nothing that would prevent us from having in the State House a registrar through which each person could apply, and that registrar could furnish the heads of the departments with the applicants that the heads of the departments interview now, and there would be very little work in addition to what they already do.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Rumford, Miss Cormier, that the House do accept the minority "Ought to pass" report of the Committee. The gen-

tlewoman has requested that when the vote is taken it be taken by a division. Is the House ready for the question?

As many as are in favor of the motion of the gentlewoman from Rumford, Miss Cormier, that the House do accept the minority "Ought to pass" report of the committee will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Seventy-seven having voted in the affirmative and 41 having voted in the negative, the motion to accept the "Ought to pass" report of the committee prevails.

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

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, Bill "An Act Relating to Exhibits of Agricultural Fair Associations" (H. P. 1267) (L. D. 668) tabled on April 18th by the gentleman from Presque Isle, Mr. Jamieson, pending third reading, and the Chair recognizes the gentleman from Presque Isle, Mr. Jamieson.

On motion by Mr. Jamieson, the bill was given its third reading, passed to be engrossed 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 and Members of the House: I move that the House do now reconsider its action taken earlier in the day whereby it accepted the "Ought not to pass" report of the Committee on Taxation on Bill "An Act Relating to Inheritance Taxes" (H. P. 1974) (L. D. 1356).

I might preface my remarks by saying that I am doing this for my associate, Mr. Chapman, who is unable to be here today because of sickness.

The SPEAKER: The gentleman from Portland, Mr. Paine, moves that the House do now reconsider its action taken earlier in today's session in regard to Bill "An Act Relating to Inheritance Taxes" (H. P. 1974) (L. D. 1356) whereby the House accepted the "Ought not to pass" report of the Committee on Taxation. Is it the pleasure of the House to reconsider its action?

The motion prevailed.

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

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, I move that the House reconsider its action taken earlier in the day on H. P. 1755, L. D. 1128. There was a mistake made in the passing out of the bill, and I move that it lay on the table until next Tuesday, the 26th, so that we can straighten out the matter. It is Item 41.

The SPEAKER: The gentleman from Blaine, Mr. Bubar, moves that the House do reconsider its action taken earlier in today's session in regard to Bill "An Act Relating to Chiropractic Services under the Aid to Dependent Children and Dependents of Veterans' Law" (H. P. 1755) (L. D. 1128) whereby the House accepted the "Ought not to pass" report of the committee. Is it the pleasure of the House to reconsider its action?

The motion prevailed.

(On further motion by Mr. Bubar, the bill and accompanying papers were tabled and specially assigned for Tuesday, April 26th.)

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 Agriculture on Bill "An Act Relating to the Bee Industry" (H. P. 1361) (L. D. 714) tabled by that gentleman on April 12th pending acceptance of report; and on further motion by the same gentleman

the bill and accompanying papers were recommitted to the Committee on Agriculture and sent up for concurrence.

On motion by Mr. Spear of South Portland, the House voted to reconsider its action taken yesterday whereby Bill "An Act Relating to the Right of Eminent Domain for Municipalities for Recreational Purposes" (H. P. 1510) (L. D. 808) was passed to be engrossed as amended by Senate Amendment "A".

The SPEAKER: The same gentleman now moves that the House reconsider its action of yesterday whereby it adopted Senate Amendment "A". Is this the pleasure of the House?

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

Mr. BURGESS: Mr. Speaker and Members of the House: For the benefit of the House, I would like to request the Clerk to read Senate Amendment "A".

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

Amend said Bill by adding after the words "Recreational Purposes" in the Title thereof, the words  
'and Parking Facilities'.

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

Further amend said Bill by inserting in the 10th line thereof, after the word "squares", the underlined words

**'for parking facilities for motor vehicles or other vehicles'.**

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

**'The right of eminent domain shall not extend to the taking of land for parking facilities for motor vehicles or other vehicles or for recreational purposes as provided in section 109-A of chapter 80, unless expressly authorized by subsequent acts of the legislature.'**

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

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

Mr. BURGESS: Mr. Speaker, I would like to propose, at this time, the indefinite postponement of Senate Amendment "A" for this reason. I do not believe that this Legislature should give blanket authority to cities and towns to take by right of eminent domain any class of the property which they choose. If I am correctly informed and understand the amendment placed on this measure by the Senate, if the amendment prevails, it would require a special act of the Legislature after consideration had been given to the individual problem of that city or town. Personally, I do not believe that the need for taking land or property for recreational or parking facilities is so urgent that a blanket bill of rights should be given at this time.

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

Mr. SPEAR: Mr. Speaker, I have observed that at times a speaker apologizes for not having a legal mind but I do not apologize in this instance here for being only able to see this thing in a practical manner. Neither do I apologize for being stupid. When that bill went through here, yesterday, it took me a half an hour to evaluate the thing and find out whether it was good or bad and I know that our statutes are surely flooded with useless legislation and useless laws at the present time and Senate Amendment "A", which passed through here, does nothing more than to nullify the bill as it now stands. That is, the bill is absolutely no good and might as well be thrown out the window and we might have one or two amendments written into the law to make it that much more confusing.

To be sure, I signed the bill and dropped it in the hopper but it was approved by the Maine Municipal Association, it does not pertain to my city, but, having their word for it and being drawn up by their at-

torney, I presumed it was a good bill for these towns. I understand that it does give them certain privileges and I think it is about time some of these towns did have more privileges than they have at the present time and the privileges that they are going to lose in the future. You can hide your head in the sand and make believe it isn't so but the towns are losing a lot of their power to the State. I think these towns should be given a right to assert themselves in certain matters. This pertains to a certain town, as I understand it, I do not know too much about the mechanics of the law, as I said, I can only see it in a practical way.

This bill had the approval of your Legislative committee and Committee Amendment "A" was put into this bill to protect public utilities so that now where they have got pipes, sewers, and so forth, they could not be taken out without an act of the Legislature. That was in Committee Amendment "A", both approved "Ought to pass".

I can only emphasize the fact that I believe that it is a good bill and good for the towns, but it sailed through here yesterday and I was not alert enough to know what was going on. It went through on the pound of the gavel and, as I say, it just nullified the bill. I signed the bill, I have a certain amount of pride and I want to stick up for the bill. When I signed it, I said I would do my part and I intend to fight it out along this same line.

Now, to me, it means nothing, but to some of you gentlemen, I think it means a lot, so I am trying to breath some life back into the bill and send it on its way. How far it will get, I don't know. It has already as you know and understand, passed the Senate with the Committee Amendment indefinitely postponed and Senate Amendment "A" attached as you see. So I have attempted for the Maine Municipal Association to breath some life back into it and I will argue it out from a practical standpoint. As I understand it, it went to the Senate on

the pound of the gavel, yesterday, in exactly the same way so I am going to do my part and I hope the members here can see it my way or see it their way.

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

Mr. CHASE: Mr. Speaker, may I inquire the present parliamentary status of the bill in the House?

The SPEAKER: The present pending motion, Mr. Chase, is to reconsider adoption of Senate Amendment "A".

Mr. CHASE: Mr. Speaker, I believe the gentleman from South Portland is entirely correct when he says that the bill is worthless with the Senate Amendment. This bill is of particular interest to my two communities especially on account of the beaches in those towns in Cape Elizabeth and Scarborough, and it must be of great interest to any other town which has recreational areas.

The original Bill, Legislative Document 803, proposes to extend the rights of the town as they now exist to take property so that they can take property for recreational purposes under the appurtenant provisions of the statute. In view of the apparent confusion which exists in regard to the matter, I believe that there should be at least on opportunity to confer. I trust that the motion to reconsider will prevail and perhaps at that time an appropriate motion would be for the House to insist on its former action and ask for a committee of conference.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I do not for one moment discount the problems in various communities throughout the State. I do, however, take the position that any city or town faced with the problem such as Mr. Chase has stated to you exists in his city can come to the Legislature with a specific act asking the Legislature to give to his community authority

to take by eminent domain after and only after it has not been able to negotiate on peaceful terms. Now, we come to the Legislature and ask that we be given a special charter to establish a city form of government, a town form of government, a school district and what have you. I do not want to see the Legislature grant blanket authority to any city or town in the State to take by eminent domain as its municipal officials may see fit. I do not think it is necessary and I hope the motion to reconsider will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Spear, that the House reconsider its action taken yesterday whereby it adopted Senate Amendment "A". As many as are in favor of the motion to reconsider the adoption of Senate Amendment "A" will say aye; those opposed no.

The motion prevailed.

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

Mr. SPEAR: Mr. Speaker, Mr. Chase probably phrased that motion better than I, but I move that the House insist on its former action and request a committee of conference.

The SPEAKER: The Chair will state that the Chair can not entertain the motion to insist and ask for a committee of conference because, at the present time, both branches are in entire agreement on the matter. The Chair will await a further motion. For the information of the members of the House, the Chair will state that the House has reconsidered its action whereby it adopted Senate Amendment "A" yesterday. Both branches have indefinitely postponed House Amendment "A".

Mr. SPEAR: Mr. Speaker, it is not clear to me whether it is House Amendment "A", Committee Amendment "A" or Senate Amendment "A".

The SPEAKER: The Chair is in error, it was Committee Amendment "A" and not House Amend-

ment "A". It was Committee Amendment "A" that was indefinitely postponed in both branches.

Mr. SPEAR: Mr. Speaker, I move, then, the indefinite postponement of Senate Amendment "A".

The SPEAKER: The gentleman from South Portland, Mr. Spear, now moves that Senate Amendment "A" be indefinitely postponed. All those in favor of the indefinite postponement of Senate Amendment "A" will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Bill was passed to be engrossed without amendment in non-concurrence and sent up for concurrence.

On motion by Mr. McGlaulin of Portland, the House voted to take from the table the 19th tabled and unassigned matter, Senate Divided Report of the Committee on Judiciary on Bill "An Act Relating to Certain Procedures in Inheritance Tax Law" (S. P. 273) (L. D. 446), Majority Report "Ought to pass in New Draft" (S. P. 625) (L. D. 1368), Minority Report "Ought not to pass" tabled by that gentleman on March 30 pending acceptance of either report.

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

Mr. McGLAULIN: Mr. Speaker, I now move that we accept the "Ought to pass" report in non-concurrence.

This is not a matter of tremendous importance but I will try to briefly tell you what it is. Under this statute as it now stands, it reads: "Whenever an executor, administrator, trustee or any person liable to taxation under the provisions of sections 1 to 41, inclusive, refuses or neglects to furnish to the state tax assessor any information which in the opinion of the state tax assessor is necessary to the proper computation of taxes payable by such executor, administrator, trustee or person, after having been requested to do so, the state tax assessor shall certify such taxes at

the highest rate at which they could in any event be computed."

That's the law now. This act proposes this amendment: "At any time within ninety days from the date of such certification, the state tax assessor may (not must but may) at the request or with the consent of the persons by whom the tax is payable order such certification."

Now, I favored this measure and so did the majority of the Judiciary Committee because if this neglect has taken place, it is the neglect of the attorney and not of the administrator or of the estate and, as the law now stands, the commissioner has no choice. It may be a hardship but he can't rectify it because the law is fixed.

Now in the discussion of this matter in the Judiciary Committee, it was quite evident to me that several of the members demanded a pound of flesh. They said that if the attorney is negligent in getting in that information, let him suffer the consequences. But the trouble is that the attorney does not suffer the consequences; it is the estate. There are some other propositions but this is the main one that I am concerned with—it seems perfectly reasonable and perfectly just to allow the commissioner that little leeway so that he may be able to do justice.

I found when I was Judge of the Portland Municipal Court that absolutely the only way in many cases that I could render justice at all was by reason of what we call the probation law; that gives the judge some discretion to use according to the circumstances. This proposed bill would give the head of the department some discretion if he found that justice thereby could be done. I can't see any reason why this bill should not pass.

The SPEAKER: The question before the House is upon the motion of the gentleman from Portland, Mr. McGlaulin, that the "Ought to pass in New Draft" report be accepted.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: This is another of those divided reports. This time I am in the minority. I trust that you will be as charitable with the minority as you were on the previous occasion. There are two or three points that I think we should consider carefully in connection with this matter.

Our law, as it presently exists, was enacted in 1933 and I would like you members, if you will, to turn to Legislative Document 607. Legislative Document 607 contains a list of 145 estates on which no inheritance tax was paid and we have this year voted to abate those taxes. Those run all the way from 1918 to 1932. You will note that none of them occurred after the enactment of the present law. Under our present law, the administrator or executor of an estate files an inventory, or should file an inventory, within three months. The State Tax Assessor, if no part of the estate is taxable, immediately returns a certificate exempting from the tax. If the gross estate is large enough so that there might be a tax, unless there were deductions, he would, of course, not send such a certificate. He waits, then, for the return which includes the deductions or expenses of the estate. This list of expenses should be filed according to law within fifteen months from the date of death, at which time the tax is due.

If it is so filed, the State Tax Assessor computes the tax and returns the certificate showing the amount due. If this return is not filed, this list of expenses, a notice is sent to the attorney, if there is one, or to the executor. If the return is not forthcoming, another notice is sent, and I know from the experience of delaying in filing to this point that the warning is contained in this notice and it is underlined in red or green pencil showing you what the effect will be if you do not file the return at the proper time. However, all one has to do to secure an extension of time

is to call the State Tax Assessor on the telephone or send him a letter asking for an extension. If such a request is made in any manner, the extension of time will be granted.

If this bill passes, the executor or administrator or attorney who is working in behalf of the administrator could neglect or fail to file a return of any kind at any time and first file his information in the probate court. It seems to me that this is unfair. This department assesses and collects taxes of \$1,200,000 odd per year and I see no hardship in telephoning or writing for extension of time if needed.

The State Tax Assessor has authority to abate a tax if one is assessed where it is not justified. It might be interesting to note how the number of cases have decreased. The department has now reached the point where there are very few of these unpaid taxes outstanding on old estates.

During the period from September, 1947 to date, forty-five of these gross assessments were made; thirty-five of them were paid. In twenty-nine of them, at no time did anyone attempt to submit any figures on expenses. On six, deductions were submitted and the assessment was paid. It might be interesting to see when these came. In October, 1947, there was one such assessment; January, 1948, sixteen; February, four; March, two; April, one; May, seven; June, four; July, three; August, one; September, nine; October, two; November, one; December, none. And this year, for the first three months, there were only three.

There is another provision in this bill that provides that if you fail to file these or regardless of whether you have or not you may appeal directly to the probate court and have a hearing de novo which is from the beginning, as I understand it. In other words, you first present your evidence in the probate court having failed for nobody knows how long to submit any statistics to the department. In the

probate court, under this bill, it says the judge might consider the matter of assessing on an equitable basis, that is, according to justice and equity. Now, some of you members have been active in municipal affairs. I think you will hunt a long time before you will find any tax provision that says the administrative officer of the court shall consider the equity of the matter before making the assessment. Just what that would mean, I don't know. We have certain definite rules that provide definite methods of taxation of real estate, personal property of all kinds and we have them now as to inheritance taxes and this would create an innovation that I do not believe we want to embark upon.

In the Senate, the minority "Ought not to pass" report was accepted. I believe we would do well to vote against the motion of the gentleman from Portland, Mr. McGlauffin, and to accept the "Ought not to pass" report in concurrence with the Senate.

When the vote is taken, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the majority "Ought to pass in New Draft" of the committee be accepted. The gentleman from Auburn, Mr. Williams, moves that when the vote is taken, it be taken by division.

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

Mr. WOODWORTH: Mr Speaker, as one of those who signed the majority report, I rise in support of the motion of the gentleman from Portland, Mr. McGlauffin.

This is another one of those bills that in about ninety-nine cases out of one hundred would be immaterial. The hundredth case would be very important. All that the bill does is to give an injured party the right of appeal which he does not now

have. In cases which have been discussed at some length, the attorney was at fault. But there may be other cases come up in which the attorney will not be at fault. I do not recall that the State Tax Assessor made any objection to the amendment allowing the right of appeal and the only question, as I see it, is whether an appeal may be granted by statute which may, at some time, save somebody a very heavy loss.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the majority report "Ought to pass in New Draft" be accepted. The gentleman from Auburn, Mr. Williams, moves that when the vote is taken, it be taken by division. Is the House ready for the question?

All those in favor of the motion of the gentleman from Portland, Mr. McGlauffin, that the "Ought to pass in New Draft" report be accepted will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty having voted in the affirmative and fifteen in the negative, the motion of the gentleman from Portland, Mr. McGlauffin, that the "Ought to pass in New Draft" report be accepted prevails.

Thereupon, the bill was given its two several readings and tomorrow assigned for third reading.

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

Mr. KENT: Mr. Speaker, I move that we do now adjourn until 10:00 o'clock tomorrow morning.

The SPEAKER: The Clerk will read the notices.

Is it the pleasure of the House that the House do now adjourn?

Thereupon, the Bill was given its gentleman from Randolph, Mr. Kent, the House was adjourned until 10:00 o'clock tomorrow morning, April 20, 1949.